

-1/N-

Department of telecommunications
(Access Services Wing)

Subject: Reference received from Shri Atmaram N.S. Nadkarni, Ld. ASG in the matter of W.P. (C) 607/2016 filed by Lokniti Foundation V/s UoI regarding.

This case in reference to letter dated 01.08.2016 (copy placed at 1/C) received from Shri Atmaram N.S. Nadkarni, Ld. ASG wherein the Ld. ASG has intimated that the matter of Lokniti Foundation V/s UoI was called on 01.08.2016 and the Hon'ble Supreme Court has requested to Ld. ASG to assist in the said matter and sought a detailed status report from the concerned Department of the Ministry with reference to the following issue:

(a) Information pertaining to steps being undertaken by the Ministry with regard to identification of unregistered GSM/CDMA Mobile phone connection in the country."

2. In continuation to this letter, vide letter dated 23.08.2016 (placed at 3/C), the Ld. ASG has expedite the matter about furnishing the detailed status report on the above issue. Ld. ASG has also requested to brief the matter to him so that necessary response/status report can be prepared and kept ready.

3. Meanwhile, in reference to Ld. ASG reference dated 01.08.2016, Central Agency Section Supreme Court, vide letter dated 16.08.2016 (copy placed at 2/C), has forwarded the copy of Writ Petition filed by the petitioner in this matter. CAS has also requested to furnish the relevant information for preparing an affidavit for filing before the Hon'ble Supreme Court.

4. Comments on the subject matter were sought from TERM HQ Wing and the same are received vide letter dated 30.08.2016 (placed at 4/C). Based on the comments received from TERM HQ Wing and information available on in the Section, a brief on the subject matter has been prepared which may be sent to Ld. ASG and CAS. The para-wise comments on the issues raised in the petition are being prepared and will be sent to CAS in due course of time.

5. In view of above, a draft letter to Ld. ASG conveying brief information on the subject matter has been prepared and is placed at 5/C for kind consideration and approval please. As per the information available on the Supreme Court website, the matter is likely to be listed on 19.09.2016 (copy placed at 6/C).

Director (AS-II)

Sr.DDG/ASA

Atmaram
01/09/16

Dr. C. S. J.

14
01/09/16

As amended

ADG CAS-II

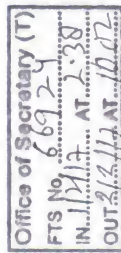
Prashant Verma
(Prashant Verma)
ADG CAS-II
31.08.2016

Pk
4/9

-2/N-

**Department of telecommunications
(Access Services Wing)**

Subject: W.P. (C) 607/2016 filed by Lokniti Foundation V/s UoI-regarding.



The case is in reference to the Writ Petition (Civil) No 607/2016 filed by Lokniti Foundation V/s UoI (2/C) pertaining to suggestions made by Lokniti Foundation in the subscriber acquisition process and making Aadhaar Card mandatory for mobile connections. As per the reference received from Shri Atmaram N.S. Nadkarni, Ld. ASG, details on the subject matter were provided to his office on 01.09.2016 as per approval on 1/N.

2. The matter came up for hearing on 23.01.17 and vide letter placed at 9/C Central Agency section, Supreme Court has forwarded the details of proceedings of the case. As per the comments made by the Panel Counsel Sh. Vijay Prakash, the Hon'ble Supreme Court has desired that DoT should file an affidavit in the matter within 2 weeks. Copy of the order downloaded from website is placed at 10/C.

3. The case was discussed with the counsel and the draft counter affidavit prepared in consultation with the Counsel is placed at 11/C for kind consideration please. It is also submitted that Sh G.S. Makkar, Deputy Government Advocate, Central Agency Section has intimated that Hon'ble Supreme Court has directed that all the affidavits on behalf of the Government are to be filed by an officer not below the rank of Joint Secretary. Thus Sh P.K. Mittal, Sr DDG(AS) may be authorised to sign the affidavit.

Submitted please.

Pradeep
31/01/17
(Pradeep Kumar)
Director (AS-II)
31.01.2017

Ref notes above

Being sensitive matter,
Secy may see pl.

Sr DDG (AS)

Member(T)

[Secy]

31.2.2017

N.B. we are submitting 31/1/17
that verification is not
required (Ref para 10).

P.K. Mittal
31/1/17

File withdrawn. Case was
discussed with Ld AG on 1/2/17. The
counter affidavit has been served as
per his suggestion. (12/c)

Revised counter affidavit & props
at 'X' above for approval pl.

1/1/17 - Not in the

Secy

Pradeep
31/02/17
ADG(AS-II)

P.K. Mittal
2/2/17

-3/N-

Department of telecommunications
(Access Services Wing)

Subject: W.P. (C) 607/2016 filed by Lokniti Foundation V/s UoI-regarding.

This has the reference to the order dated 06.02.2017 by Hon'ble Supreme Court of India (copy placed at 14/C) in the W.P. (C) 607/2016 filed by Lokniti Foundation V/s UoI, for 100% e-KYC based verification of mobile subscribers.

2. It is proposed to hold a meeting under the chairmanship of Secretary(Telecom), DoT to discuss the way forward in implementing the orders of Hon'ble Court. The venue & date/ time are as below:

Venue: Committee room, 2nd Floor, Sanchar Bhawan
Date & time: 13.02.2017, 2:30 PM

3. Accordingly, a meeting notice addressed to Member TRAI, DG UIDAI and CEOs of all TSPs has been prepared and is placed at 15/C for kind consideration and approval please.

Director (AS-II)

*As discussed with Sr. DG (AS), the
notice may be issued.*

Prashant
08/02/17

Prashant Verma

(Prashant Verma)

ADG (AS-II)

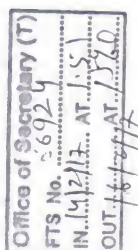
08.02.2017

ADG (AS-II)

-4/N-

Department of telecommunications
(Access Services Wing)

Subject: Implementation of Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s UoI regarding 100% E-KYC based verification of existing mobile subscribers.



In reference to Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s UoI regarding 100% E-KYC based verification of existing mobile subscribers, a meeting was called on 13.02.2017 at 11:00AM under the Chairmanship of Secretary (T) in Committee Room, 2nd Floor, Sanchar Bhawan, with all Telecom Service Providers (TSPs), UIDAI and TRAI to discuss the way forward in implementing the orders of Hon'ble Supreme Court. The list of participants is placed at 16/C.

2. During the meeting, the following points were inter-alia discussed:
 - a) On re-verification of existing subscribers through E-KYC process, existing physical CAFs can be weeded out which will reduce the cost of storage of CAFs.
 - b) Change of name of the subscriber as a result of this re-verification activity may be permitted and will not attract penalty. Suitable instructions will be issued to TERM Cells in this regard.
3. Industry was also requested to submit a detailed plan to implement the orders of Hon'ble Supreme Court.
4. Based on the detailed discussions and deliberations held in the meeting, draft record note of the discussions of the meeting to be circulated to all the participants has been attempted and is placed at 17/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
14.02.2017

Director (AS-II)

Prashant
14/02/17

Sr. DDG (AS)

P.K. Mittal
14/2/17

Member (T) - *M. Leane*

Secretary (T)

M (T)
ell
16.2.2017
Sr. DDG (AS)

ADG (ASII),

sk
17/2

-5/N-

Department of telecommunications
(Access Services Wing)

Subject: Implementation of Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s UoI regarding 100% E-KYC based verification of existing mobile subscribers.

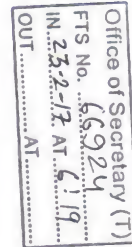
This is in reference to reference to Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s Union of India wherein the Hon'ble Supreme Court, while taking into cognizance of "Aadhaar based E-KYC process for issuing new telephone connection" issued by the Department, has inter-alia observed that "an effective process has been evolved to ensure identity verification, as well as, the addresses of all mobile phone subscribers for new subscribers. In the near future, and more particularly, within one year from today, a similar verification will be completed, in case of existing subscribers."

2. A meeting was held on 13.02.2017 in the Department with the telecom industry, UIDAI, PMO and TRAI to discuss the way forward to implement the directions of Hon'ble Supreme Court. The minutes of the meeting is placed at 18/C. Detailed discussions and deliberations were held in the meeting and industry was also directed to submit suggestions. The suggestions received from the industry are placed collectively at 19/C.

3. The suggestions received from industry have been examined and some of the important suggestions are summarized as below:

S. No.	Issues/suggestion raised by Industry	Views of this unit
1.	Mechanism of re-verification: a) E-KYC based verification through OTP b) Biometric based E-KYC verification c) Authentication based re-verification	Hon'ble Supreme Court mandates re-verification of existing subscriber through Aadhaar based E-KYC process. So, the existing subscribers both prepaid and postpaid may re-verified through Aadhaar based E-KYC process. OTP based re-verification will not suffice the purpose of directions given by Hon'ble Supreme Court.
2.	E-KYC process for Outstation customers may be allowed.	The case has been taken up MHA. Separate instructions will be issued once concurrence will be received from MHA.
3.	Reverification to be applicable only for pre-paid subscribers	No such specific mention in orders of Hon'ble Supreme Court. Both prepaid and postpaid subscriber need to be re-verified.
4.	No penalty between mismatch of old CAFs data and Aadhaar based E-	Decision has already taken in the meeting held on 13.02.2017.

	KYC data after re-verification	
5.	No requirement of multiple CAF's or verification for additional connections	If a existing subscribers has more than one connection of a TSPs, he/she will declare his/her all existing connections at the time of E-KYC re-verification and the same may be stored in a single CAF by TSP.
6.	Exemption of re-verification of mobile connections used in data services only by the subscriber	Such connections may be re-verified through sending Verification code to alternate number submitted by the subscriber at the time of enrollment initially.
7.	Old CAFs may be destroyed if a subscriber is re-verified through E-KYC process.	Old CAFs may be destroyed if a subscriber is re-verified through E-KYC process provided that the TSP is directed to preserve the same by DoT or LEAs or Legal Forum.
8.	No requirement of re-verification of re-verified subscriber in case of prepaid to postpaid conversion and vice-versa	This may be agreed.
9.	Issue of non-sufficient number of devices for E-KYC systems	As decided in the meeting held on 13.02.2017, this issue of opening of device eco-system may be settled at TSPs through mutual agreement between them.



4. In view of above and after taking into consideration the suggestions from industry and discussion held in meeting dated 13.07.2017, draft instructions to be issued to all Telecom Service Providers for implementing the orders of Hon'ble Supreme Court for 100% E-KYC based re-verification of the existing subscribers have been attempted and is placed at 20/C for kind consideration and approval please.

Director (AS-II) - on official tour.

Sr. DDG (AS)

Member (T)

Secretary (T)

Prashant Verma
(Prashant Verma)
ADG (AS-II)
23.02.2017
Since SIM is activated, no employee verification needed. Amended draft for approval pl.
P. K. Mittal

23/2/17

23.2.2017

Pl give reasons for 'X' on pg 5/n & pursue 'Y' on pg 8/n by a reminder. 2. Pl put up there after digitally for approval of above

23/2/17

M.D. P.T.O.

7/N

For immediate action on the remarks of
Seyt on 6/N.

Sr DDG(AS)

Dw (ASD),

Report

By 27-2-2017
01/3/17 pl

Pt
= 287
2

-8/N-

Department of telecommunications
(Access Services Wing)

Subject: Implementation of Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s UoI regarding 100% E-KYC based verification of existing mobile subscribers.

Reference: Note-5-7/N ante.

This is in reference to Hon'ble Supreme Court order dated 06.02.2017 (copy placed at 14/C) passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s Union of India wherein the Hon'ble Supreme Court, while taking into cognizance of "Aadhaar based E-KYC process for issuing new telephone connection" issued by the Department, has inter-alia observed that *"an effective process has been evolved to ensure identity verification, as well as, the addresses of all mobile phone subscribers for new subscribers. In the near future, and more particularly, within one year from today, a similar verification will be completed, in case of existing subscribers."*

2. A meeting was held on 13.02.2017 in the Department with the telecom industry, UIDAI, PMO and TRAI to discuss the way forward to implement the directions of Hon'ble Supreme Court. The minutes of the meeting is placed at 18/C. Detailed discussions and deliberations were held in the meeting and industry was also directed to submit suggestions. The suggestions received from the industry are placed collectively at 19/C.

3. The Department has issued instructions for use of Aadhaar based E-KYC process for issuing new mobile connection vide letter dated 16.08.2016 (copy placed at 21/C). In this process, the demographic details of subscribers i.e. Name, Date of Birth, Complete Address, Gender and photograph are captured from UIDAI server after successful biometric authentication of both subscriber as well as agent at Point of Sale terminal of Licensee. At present, this process is not applicable for issuing mobile connection to outstation customers, bulk connection category and foreign nationals. Foreign nationals cannot have Aadhaar, hence, it cannot be mandated for them. Further, this process is an alternative to paper based process issued vide instructions dated 09.08.2012 i.e. Proof of Identity/Proof of Address (PoI/PoA) documents based process.

4. Regarding the issue of mandating the Aadhaar for obtaining new mobile connection so as to stop the inflow of new mobile connections issued on the basis of PoI/PoA documents, it is submitted that such mandate may lead to public inconvenience as approx. 86% population of the Country is Aadhaar covered only while approx. 14 Crore people still does not have Aadhaar. Thus, it is not appropriate to mandate Aadhaar for obtaining mobile connections at this point of time.

5. The suggestions received from industry have been examined and some of the important suggestions are summarized as below:

S. No.	Issues/suggestion raised by Industry	Views of this unit
1.	Mechanism of re-verification suggested by Industry: a) E-KYC based verification	Hon'ble Supreme Court mandates re-verification of existing subscriber through Aadhaar based E-KYC process. So, the existing subscribers

through OTP: Subscribers who have registered their mobile number with UIDAI, which is stored in UIDAI database can be re-verified through OTP based e-KYC.

b) **Biometric based E-KYC verification:** Subscribers who have not registered their mobile number or cannot be re-verified through OTP, need to physically visit a SIM sale outlet and get re-verified through biometric based E-KYC process.

c) **Authentication based re-verification:** Subscriber will send name, date of birth (as mentioned in UIDAI database) and Aadhaar number through SMS to a short code of operator. This information can be authenticated through UIDAI via authentication API, and if the information matches with the operator database, the transaction ID along with Aadhaar information can be stored along with the existing customer data of operator.

both prepaid and postpaid has to be re-verified through Aadhaar based E-KYC process i.e. through biometric authentication of subscribers as mentioned in Aadhaar based E-KYC process vide instructions dated 16.08.2016. OTP based re-verification and authentication based re-verification will not fulfill the directions given by Hon'ble Supreme Court since:

- i. "OTP based re-verification" process is applicable to only those subscribers who have registered their mobile number with UIDAI. There is no biometric authentication of subscriber and provides only seeding of Aadhaar number with mobile phone database. This process verifies the credentials of subscribers only. However, the photograph of subscriber as captured in UIDAI will not be populated in Licensee database as these are captured subsequent to biometric authentication. Hence, re-verification process will not be completed.
- ii. Further, the OTP based process can be accessed by anyone holding SIM card (registered with UIDAI) and Aadhaar details of existing subscribers.
- iii. As only one mobile number is registered with UIDAI, it is not possible to re-verify those subscribers who are having more than one mobile connection/data card/dongle of a Telecom Service Provider.
- iv. The authentication based re-verification includes sending of data by subscribers through SMS which may lead to typing errors, thereby failing of the

		<p>authentication process.</p> <p>Therefore, only Aadhaar based E-KYC process which includes biometric authentication of subscribers is fool proof method of re-verification. To check the genuine user holding the SIM card, a 'verification code' may be sent on the mobile number and the TSP will verify the same. Only after this activity, Aadhaar based E-KYC process may be followed. After completion of E-KYC process, before updating or overwriting the old subscriber detail in database with data received through E-KYC process, the TSP will seek confirmation from subscriber about the re-verification of his/her mobile number after 24 Hours through SMS. If the subscriber does not respond within 3 daylight hours to SMS, the Licensee will treat re-verification as positive and overwrite the subscriber database by E-KYC process data.</p>
2.	E-KYC process for Outstation customers may be allowed.	The case has been taken up with MHA vide letter dated 17.01.2017 and a reminder has been issued to MHA vide letter dated 23.02.2017. Separate instructions will be issued once concurrence is received from MHA.
3.	Re-verification to be applicable only for pre-paid subscribers	No such specific mention in orders of Hon'ble Supreme Court, thus, both prepaid and postpaid subscribers need to be re-verified.
4.	No penalty between mismatch of old CAFs data and Aadhaar based E-KYC data after re-verification.	Sometimes, address of a mobile subscriber changes due to shift/movement from one LSA/state to other. Further, in few cases the mobile connection is being issued by parents for use of their children. Thus, there is a possibility of change in subscriber details of a mobile connection subsequent to E-KYC re-verification process. Since re-verification through Aadhaar based E-KYC process will be a great leap towards ensuring traceability of the

		user, thus, as one time measure mismatch of data between old CAFs data and Aadhaar based E-KYC data after re-verification process may be exempted from penalty.
5.	No requirement of multiple CAF's or verification for additional connections.	If a existing subscriber has more than one connection of a TSPs, he/she will declare his/her all existing connections at the time of re-verification and such mobile connections can be re-verified through single E-KYC process. However, the process of verifying 'Verification code' and 'confirmation through SMS post E-KYC process' will be followed for each mobile connection separately.
6.	Exemption of re-verification of mobile connections used in data services only by the subscriber	Such connections may be re-verified through sending 'Verification code' to alternate number submitted by the subscriber at the time of enrollment initially, followed by E-KYC process.
7.	Old CAFs may be destroyed if a subscriber is re-verified through E-KYC process.	As such in E-KYC process, the demographic details of subscriber are being fetched from UIDAI server and stored in TSP's database. Hence, if a subscriber is re-verified through E-KYC process, old hard copies of CAFs of that connection may be destroyed unless the TSP is directed to preserve the same by DoT or LEAs or Judicial Forum.
8.	No requirement of re-verification of re-verified subscriber in case of prepaid to postpaid conversion and vice-versa.	Prepaid to postpaid conversion and vice versa changes the billing plan of a connection only. The requirement of verification in case in case of prepaid to postpaid conversion and vice-versa can be removed.
9.	Issue of non-sufficient number of devices for E-KYC systems	As there is no bar in using single device in E-KYC process by multiple TSPs, the issue of opening of device eco-system may be settled at TSPs through mutual agreement between them.
10.	Verification by Activation officer (Employee of the Licensee) before activation of mobile connection may	As such Aadhaar based E-KYC process is a very robust system of verification and demographic details are being fetched from UIDAI server

-12/N

F.No: 800-26/2016/As.II

be removed.	and stored in TSP's database. Therefore, the verification by Activation officer (Licensee's employee) can be removed.
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6. In view of above submissions and after taking into consideration the suggestions from industry and discussion held in meeting dated 13.02.2017, draft instructions to be issued to all Telecom Service Providers for implementing the orders of Hon'ble Supreme Court for 100% E-KYC based re-verification of the existing subscribers have been attempted and is placed at 23/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
01.03.2017

~~Director (AS-II)~~

Prashant
01/03/17

~~Sr. DDG (AS)~~

P.K. Mittal
02/3/2017

~~Member (T)~~

The case is report up after explaining the reason for 'X' & issuing the reminder for 'Y' at SN.

~~Secretary (T)~~

~~Hon'ble MoS(IC), MoC~~

Manglik
22/03/17

23/3/17

2.3.2017

Sery ds - in meeting

M(T) - in meeting

~~Sr. DDG (AS)~~

P.K. Mittal
23/3/17

ADG/ASD,

Issued at 24/c

Prashant
24/03

Office of Secretary (T)
FTS No. 66984
23/3/17
23/3/17
1186
1136
IN 2/3/17 AT 11:48
OUT 2/3/17 AT 11:49

13
-9/N-Department of telecommunications
(Access Services Wing)

Subject: Implementation of Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s UoI regarding 100% E-KYC based verification of existing mobile subscribers.

As per approval on pre-page, instructions for 100% E-KYC based re-verification of existing mobile subscribers have been issued vide letter dated 23.03.2017 (placed at 24/C).

2. As per the process defined in the instructions dated 23.03.2017, no acknowledge receipt shall be given by Licensee to subscriber. However, due to some inadvertent error, the entry at point no. '1B' in sample CAF (annexed as Annexure-I) has been marked for noting/capturing acknowledgment receipt number. Further, in case of re-verification of more than one mobile connection as mentioned in para 7 of instructions dated 23.03.2017, the Licensees may be directed to store IMSI number corresponding to each mobile number of a subscriber in point no. 21 in sample CAF (annexed as Annexure-I).

3. It is suggested that a clarification in respect of these entries may issued to all licensees. Accordingly, DFA has been attempted and is placed at 25/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
05.04.2017

Director (AS-II)

Prashant Verma
05/04/17

Sr. DDG (AS)

P. K. Mittal
06/04/17

Dr. V. S. N.

Prashant Verma
06/04/17

ADG AS-II

Discussed with Dir(AS-II). Draft letter will be issued after receiving representation from COAI/AUSPE so that any other point left may be included in this letter.

Prashant Verma
06/04/17

-14/N-

Department of telecommunications
(Access Services Wing)

Subject: Implementation of Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s UoI regarding 100% E-KYC based verification of existing mobile subscribers.

Reference: Note on pre-page.

PUC (placed at 26/C) is the letter dated 06.04.2017 received from COAI on the above mentioned subject. COAI has suggested some changes in the instructions issued by DoT like single E-KYC process for issuing multiple connections to a subscriber, requirement of storage of CAF of subscribers having churned out from the network, weekly submission of database, changes in sample CAF, etc.

2. In case of re-verification of more than one mobile connection by a single E-KYC process as mentioned in para 7 of instructions dated 23.03.2017, it has been directed to store multiple mobile numbers in a single CAF at the top of the CAF. Such provision will not fit in case the subscriber disconnects its one of the mobile connection as the same number will reflect in its CAF records. Thus, it may be appropriate to direct Licensees that more than one mobile connection may be re-verified in a single E-KYC process but separate CAF may be there corresponding to each mobile number. Accordingly, the para 7 of the instructions of dated 23.03.2017 may be replaced as follows:

"7. The Licensee may also re-verify more than one mobile connection issued by it in one Licensed Service Area to a subscriber (not bulk connections) through a single E-KYC process as mentioned above. However, to check the physical possession of all such connections by the subscriber, 'verification code' shall be verified on each mobile connection separately and confirmation through SMS post E-KYC process shall be sought from the subscriber for each mobile connection separately. Further, separate CAF shall be there corresponding to each mobile connection."

3. Further, Licensees may also be directed to delete the entry at point no. '1B' in sample CAF (annexed as Annexure-I) marked for noting/capturing unique acknowledgment receipt number in instructions dated 23.03.2017, which is left due to inadvertent error.

4. In view of above and after examining the suggestions from COAI, it is suggested that a clarification may issued to all licensees as mentioned in para 2 & 3 mentioned above. Accordingly, DFA has been attempted and is placed at 27/C for kind consideration and approval please.

Director (AS-II)

Prashant Verma
11/04/17

Prashant Verma
(Prashant Verma)
ADG (AS-II)
11.04.2017

Sr. DDG (AS)

Dr. L. Singh

Prashant Verma
11/04/17

P.L.
11/4

ADG (AS-II)

-15/N-

Department of telecommunications
(Access Services Wing)

Subject: UIDAI instruction on upgradation of existing biometric devices for authentication to registered devices-reg.

PUC (placed at 30/C) is a letter dated 03.05.2017 received M/s Reliance JIO Ltd.(RJIL) on the above mentioned subject vide which issues regarding non-availability of certified biometric devices for authentication and transition from existing devices to registered devices as per the timeline defined by UIDAI in its instructions have been raised.

2. M/s RJIL has intimated that in order to comply with UIDAI instructions, RJIL has been pursuing with all Biometric Devices original equipment manufacturers ("OEM") for registering the devices and seamlessly transitioning to registered devices as per UIDAI timeline of 01.06.2017. However, as on date there are no devices available which UIDAI/STQC certified, as per the new scheme. Further, OEMs have neither been able to provide RJIL with the SDK for transitioning into Registered Devices for testing purposes nor they been able to communicate the dates by which the same will be available.
3. M/s RJIL has further intimated that there are major concerns regarding meeting the timelines of UIDAI and they are representing to UIDAI separately to extend the timelines of complete transition to registered devices by four months i.e. 01.10.2017. M/s RJIL has also requested DoT to intervene with the UIDAI to extend the timelines by minimum four months.
4. It is submitted that in compliance to the directions of Hon'ble Supreme Court in its order dated 06.02.2017, vide letter dated 23.04.2017, instructions have been issued to all TSPs for re-verification of all existing mobile subscribers within a time period of one year. The issues raised by M/s RJIL regarding non-availability of certified biometric devices for authentication as per UIDAI instructions might have adverse effects on the re-verification exercise to be carried by all TSPs.
5. In view of above submissions, it is proposed that a reference may be made to UIDAI requesting to take necessary action in the matter so that the directions of Hon'ble Supreme Court regarding re-verification of existing mobile subscribers may be complied. Accordingly, a draft letter to CEO, UIDAI has been attempted and is placed at 31/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
15.05.2017

Director (AS-II)

Qusek
15/05/2017

A + ph

Sr. DDC (AS)

Dr (AS-II)

ph
15/5

Discussed Revised draft letter placed at 32/c for approval pls. *Dr*

Sr. DDC (AS)

UIN

Ref notes in prepage

Draft at 32/c to CEO, UDAI for
extending time for using certified
devices submitted for kind consideration
& approval pl.

Office of
FTS
225117
66924
1320

P.K. Mittal

17/5/13

MIT

22.5.2017

Secy

25/5

MIT

29.5.2017

Sr. DDG (AS)

Dr. (AS-II)

29/5

Quack
29/5

ADG (AS-II)

Issued at 33/c.

Quack
29/5

-17/N-

Department of telecommunications
(Access Services Wing)

Subject: Implementation of Hon'ble Supreme Court order dated 06.02.2017 passed in Writ Petition (C) No. 607/2016 filed by Lokniti Foundation v/s Uoi regarding 100% E-KYC based verification of existing mobile subscribers.

PUC (placed at 34/C) is a letter dated 19.04.2017 received from M/s SSTL on the above mentioned subject requesting DoT to exempt M/s SSTL from implementing the instructions issued vide letter dated 23.03.2017 for re-verification of existing mobile subscribers.

2. M/s SSTL has intimated that they are in processing of transferring its telecom business to M/s RCOM under a court approved scheme of Arrangement. For which the transaction has been sanctioned by the Hon'ble High Courts of Bombay and Rajasthan. M/s SSTL & RCOM submitted a joint request to DoT for granting approval to Transaction as per extant Merger & De-merger guidelines. DoT has issued condition approval vide letter dated 22.03.2017 which is subject matter before TDSAT and upon adjudication of said proceedings the merger is expected to be consummated with-in a short period of time. As a part of merger transaction, the subscribers of SSTL would be transferred to RCOM and would be re-verified as part of RCOM subscriber base once the merger is consummated.

3. As such merger of SSTL with RCOM has not been taken place, it is suggested that M/s SSTL may be informed to comply the instructions issued by DoT till the merger is taken on record and they cannot be exempt from the instructions which are issued in compliance of directions of Hon'ble Supreme Court. Accordingly, a draft letter to M/s SSTL has been attempted and is place at 35/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
07.06.2017

Director (AS-II)

Alvish
07/06/2017

Sr. DDG (AS)

Pk
07/6

Dr. Prashant

Alvish
07/06/2017

ADG (AS-II)

Subject: Re-verification through Aadhaar based e-KYC to be allowed through All outlets in J&K, North East and Assam-reg.

PUC (placed at 37/C) is a letter dated 13.06.2017 received from Apex Advisory Council for Telecom (ACT) on the above mentioned subject requesting DoT to allow TSPs to conduct the re-verification process through all outlets in J&K, Assam and North East LSAs in addition to those outlets which have TERM allocated code, which is provided post police verification.

2. In the reference, ACT has mentioned that re-verification process is not a selling of SIM for new customer acquisition and the POS personnel is first authenticated through Aadhaar based biometric authentication process which ensure the traceability of the retailer. Thus, TSPs may be allowed to conduct re-verification through all outlets i.e. including recharge outlets also which are not having TERM allocated code. But TERM Cells of these LSAs are mandating TSPs to conduct re-verification only through outlet which have TERM allocated code, which is provided post Police verification.

5. It is submitted that as per the existing guidelines applicable in J&K, Assam and North East LSAs (copy placed at 38/C), selling of new mobile connection can be done through Point of Sale outlet having TERM allocated code which is provided after police verification. Although, the re-verification process is not a selling of new mobile connection i.e. no new SIM is being activated but the credentials of existing mobile subscribers may get changed during the re-verification process which is akin to process of acquiring new mobile customer. Further, during earlier re-verification activity also in 2010, re-verification was not allowed through recharge outlets (copy placed at 39/C). Thus, it may be appropriate that the re-verification process shall be allowed to conduct through POS outlets having TERM allocated code only in these LSAs.

4. In view of above, if agreed and approved, a clarification may be issued to ACT stating that the re-verification process shall be conducted through POS or outlets having FIRM allocated code only in J&K, Assam and North East ISAs. Accordingly, a draft letter to ACT has been attempted and is placed at 40/C for kind consideration and approval please.

(Prashant Verma)
ADG (AS-II)
29.06.2017

Director (~~AS-11~~)

Sr. DDG (AS)

ADG (AS-II)
29.06.2017

Director (AS-II)

Sr. DDG (AS)

Why? Do you want to delay

Pls see mat. as discussed

Dr (AS-II)

Ph 30

-19/N-

800-26/2016/AS-II

Ref: Note on pre-page.

The case has been examined further and it is felt that since the re-verification process involves bio-metric authentication which ensures traceability of retailer also, therefore, restricting the process to TERM certified POS only will delay the whole exercise in J&K, Assam & NE Lsts.

In view of above, it is proposed that TSPs in these Lsts may be allowed to conduct the re-verification process through all outlets/POS terminals. Accordingly, the draft letter placed at 40/c has been modified and is placed at 41/c for kind consideration & approval please.

Tumkur Ullung
ADG/AS-II 04/07/17

Director (AS-II)

Quick
04/07/2017.

Sr. ADG (AS)

Rt
4/7

ADG (AS-II)

Quick
04/07/2017

ADG (AS-II)

Issued at 42/c

Tumkur Ullung
04/07

28/N-

Department of telecommunications
(Access Services Wing)

Subject: Implementation of orders of Hon'ble Supreme Court regarding 100% e-KYC based re-verification of existing subscribers-reference received from MTNL-reg.

PUC (placed at 43/C) is a letter dated 19.04.2017 from MTNL received in DoT on 19.06.2017 on the above mentioned subject. This is in reference to this office letter of even number dated 17.02.2017 vide which minutes of meeting and 23.03.2017 regarding instructions for re-verification. MTNL has raised some queries and suggestions which have been examined and are summarised as below:

S. No.	MTNL query/suggestion	View of DoT
I.	Kindly refer point no. 6 and 10 of Record of discussion vide your office memorandum no. 880-26/2016-AS.II dated 17.02.017 wherein JS PMO suggests OTP based seeding and verification of mobile subscribers quoting example of RBI. Kind attention is drawn to the fact that now a day's activities like acknowledgement of Income Tax return, opening of NPS account, investing in Mutual Funds all can be done with Aadhar based verification through OTP. It is therefore requested to kindly issue guidelines for OTP based self verification on Aadhar registered mobile number of existing as well as new subscribers, which could significantly reduce public inconvenience and rush at Point of Sales.	<p>Hon'ble Supreme Court, vide its order dated 06.02.2017, mandates re-verification of existing subscriber through Aadhaar based E-KYC process. OTP based re-verification will not fulfill the directions given by Hon'ble Supreme Court since:</p> <ol style="list-style-type: none"> "OTP based re-verification" process is applicable to only those subscribers who have registered their mobile number with UIDAI. There is no biometric authentication of subscriber which provides only seeding of Aadhaar number with mobile phone database. This process verifies the credentials of subscribers only. However, the photograph of subscriber as captured in UIDAI will not be populated in Licensee database as these are captured subsequent to biometric authentication. Hence, re-verification process will not be completed. Further, the OTP based process can be accessed by anyone holding SIM card of mobile number registered with UIDAI and Aadhaar details of existing subscribers. As only one mobile number is registered with UIDAI, it is not possible to re-verify those subscribers who are having more than one mobile connection/data card/dongle of same/different Telecom Service Provider(s). <p>Therefore, only Aadhaar based E-KYC process which includes biometric authentication of subscribers is fool proof method of re-verification.</p>

2.	<p>In case of post paid mobile subscribers, the billing address of the subscriber could be different from the Aadhaar address or the actual address of the subscriber could be different from Aadhar address. It is requested to issue necessary guidelines for such cases in respect of documents required for verification/submission of billing address or actual address of subscriber.</p>	<p>This issue is related to billing mechanism and not related to re-verification process. No change in guidelines/instructions of re-verification process is required. Such issue may be dealt by MTNL at their end.</p>
3.	<p>At point 6 of your office letter no. 800-26/2016-AS.II dated 23.03.2017 it has been instruction that "... the Licensee shall seek confirmation from subscriber about the re-verification of his/her mobile number after 24 Hours through SMS. If the subscriber does not respond within 3 daylight hours to SMS, the Licensee shall treat re-verification as positive and overwrite the subscriber database by E-KYC process data..."</p> <p>In this regard, attention is drawn that subscriber re-verification process is being initiated only after sending verification code by SMS to subscriber and checking subscriber authenticity with verification code sent from system.</p> <p>In view of this, MTNL suggests that there is no need to send the SMS to subscriber after 24 hours and assuming confirmation of his/her consent if no response is received. MTNL suggest that one SMS can be generated and send immediately on completion of e-KYC verification (instead of waiting for 24 hours) as an acknowledgment towards completion of e-KYC process.</p>	<p>The requirement of seeking consent from the subscriber post E-KYC process after 24 Hours is envisaged as an additional check for taking the informed consent from the subscriber before updating the database of Licensee. This check also ensures that the subscriber has an option to cancel the re-verification process, if in case some other unauthorised person has carried out the re-verification process of his/her mobile connection.</p> <p>Therefore, the suggestions of MTNL on this issue cannot be agreed to.</p>

3. In view of above, a reply/clarification may be sent to MTNL as mentioned in para 2 above. Accordingly, draft letter to MTNL has been attempted and is placed at 44/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)

ADG (AS-II)

05.07.2017

Director (AS-II)

Quick
06/07/2017

Se. DDG (AS)

Quick
06/07/2017
ADG (AS-II)

Department of telecommunications
(Access Services Wing)

Subject: Implementation of orders of Hon'ble Supreme Court regarding 100% e-KYC based re-verification of existing subscribers-reg

The Department of Telecom has issued 'Aadhaar based Electronic-Know Your Customer (E-KYC) process for issuing mobile connections to subscribers' on 16.08.2016 (flag X) in which the customer is biometrically authenticated from the server of Unique Identification Authority of India (UIDAI) and their demographic details received from UIDAI are stored in TSP's database. This process is kept as an alternative process to existing Proof of Identity/Proof of Address documents based process.

2. While taking cognizance of Aadhaar based E-KYC process issued by the Department, Hon'ble Supreme Court, while disposing off the Writ Petition (Civil) No. 607/2016 filed by Lokniti Foundation V/s Union of India, vide its order dated 06.02.2017, has directed *for re-verification of all existing mobile subscribers through Aadhaar based E-KYC process preferably within a period of one year.*

3. In compliance to these orders, after due deliberations with Telecom Industry, TRAI and PMO, instructions have been issued to all Licensees on 23.03.2017 & 11.04.2017 (copy placed at 24/c & 28/c) for Aadhaar based E-KYC based re-verification of all existing mobile subscribers except bulk, outstation and foreign customers.

4. For re-verification of outstation subscribers i.e., subscribers who are having Aadhaar issued in other Licensed Service Areas, as well as issue of new mobile connection to outstation customers through Aadhaar based E-KYC process, instructions have been issued on 15.06.2017 (copy placed at 46/c).

5. In para no. 12 of instructions dated 23.03.2017, all Licensees are directed to submit the weekly report of the re-verification exercise. The progress of re-verification activity has been reviewed on the basis of these weekly reports being submitted by the Licensees.

6. It is intimated that only four Licensees i.e. M/s Bharti Airtel Ltd., Idea Cellular Ltd., Vodafone Mobile Services Ltd. and Telenor (India) Communications Pvt. Ltd. have started the re-verification exercise while other Licensees have not even started the re-verification exercise though 4 months have passed since the instructions for re-verification were issued. BSNL, MTNL and SSTL have not submitted any report.

7. The weekly report (TSP-wise & LSA wise) complied upto 14.07.2017 is placed at 47/C. Out of the total subscriber base of **129.16 Crore approx.. 32.71 Crore** of subscribers have been acquired through Aadhaar based E-KYC process (which need not to be re-verified again) and only **6.01 Crore** subscribers (out of the remaining 96.45 Crores) have been re-verified.

8. As such except four Licensees, no other Licensees have even started the re-verification exercise. Thus, it may be appropriate that a letter may be issued to such Licensees stating that non-commencement of re-verification exercise amounts to willful disobedience of the directions of Hon'ble Supreme Court and such Licensees may be directed to take immediate necessary action so that the directions of Hon'ble Supreme Court are complied well within the stipulated time period. Accordingly, a draft letter has been attempted and is placed at 48/c for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)

Director (AS-II)

Sr. DDG (AS)

Member (T)

Secretary (T)

Check 28/7/17

Why letter should indicate who has started.

Dr (AS-II)

7/8/17

-24/N-

**Department of telecommunications
(Access Services Wing)**

Subject: Implementation of orders of Hon'ble Supreme Court regarding 100% e-KYC based re-verification of existing subscribers-reg

Hon'ble Supreme Court, while disposing off the Writ Petition (Civil) No. 607/2016 filed by Lokniti Foundation V/s Union of India, vide its order dated 06.02.2017, has directed for re-verification of all existing mobile subscribers through Aadhaar based E-KYC process preferably within a period of one year.

2. In compliance to these orders, after due deliberations with Telecom Industry, TRAI and PMO, instructions have been issued to all Licensees on 23.03.2017 & 11.04.2017 (copy placed at 24/c & 28/c) for Aadhaar based E-KYC based re-verification of all existing mobile subscribers except bulk, outstation and foreign customers.

3. For re-verification of outstation subscribers i.e., subscribers who are having Aadhaar issued in other Licensed Service Areas, as well as issue of new mobile connection to outstation customers through Aadhaar based E-KYC process, instructions have been issued on 15.06.2017 (copy placed at 46/c).

4. In para no. 12 of instructions dated 23.03.2017, all Licensees are directed to submit the weekly report of the re-verification exercise. The progress of re-verification activity has been reviewed on the basis of these weekly reports being submitted by the Licensees.

5. It is intimated that only four Licensees i.e. M/s Bharti Airtel Ltd., Idea Cellular Ltd., Vodafone Mobile Services Ltd. and Telenor (India) Communications Pvt. Ltd. have started the re-verification exercise while other Licensees have not even started the re-verification exercise though 4 months have passed since the instructions for re-verification were issued. BSNL, MTNL and SSTL have not submitted any report.

6. The weekly report (TSP-wise & LSA wise) complied upto 14.07.2017 is placed at 47/C. Out of the total subscriber base of **129.16 Crore** approx., **32.71 Crore** of subscribers have been acquired through Aadhaar based E-KYC process (which need not to be re-verified again) and only **6.01 Crore** subscribers (out of the remaining 96.45 Crores) have been re-verified.

7. As such except four Licensees, no other Licensees have even started the re-verification exercise. Thus, it may be appropriate that a letter may be issued to such Licensees stating that non-commencement of re-verification exercise may amount to willful disobedience of the directions of Hon'ble Supreme Court and such Licensees may be requested to take immediate necessary action so that the directions of Hon'ble Supreme Court are complied well within the stipulated time period. Accordingly, draft letters have been attempted and are placed at 48-49/c for kind consideration and approval please. Separate letter will be issued to each licensee.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
01.08.2017

Director (AS-II)

Sr. DDG (AS)

Dw / ACIT /

01/08/2017

*pk
1/8*

-25/N-

**Department of telecommunications
(Access Services Wing)**

Subject: Re-verification of existing mobile subscribers through Aadhaar based E-KYC process- case of roaming subscribers & roaming outstation subscribers-regarding.

PUC (placed at 57/C) is a letter no. ACT/2017/022 dated 24.07.2017 received from Telecom Industry requesting DoT to permit E-KYC based re-verification of existing subscribers during roaming also. Various public grievances and references from general public have been received regarding difficulties being faced by them in re-verification of their mobile connections while on roaming or due to different current residential address with the address in their Aadhaar. A reference from NASSOM vide e-mail dated 10.08.2017 (copy placed at 58/C) is also received on same subject.

2. Instructions have been issued on 23.03.2017 & 11.04.2017 (copy placed at 24/c & 28/c) for Aadhaar based E-KYC based re-verification of all existing mobile subscribers except bulk, outstation and foreign customers. For re-verification of outstation subscribers i.e., subscribers who are having Aadhaar issued in other Licensed Service Areas, as well as issue of new mobile connection to outstation customers through Aadhaar based E-KYC process, instructions have been issued on 15.06.2017 (copy placed at 46/c).

3. As such, there are some subscribers who are having Aadhaar and mobile connections of same LSA but are on roaming in another LSA and it may not be possible for them to go to their Home network LSA for re-verification. Further, there are some roaming outstation subscribers i.e., subscribers having Aadhaar and mobile connections of different LSAs but are on roaming in another LSA. In order to reduce public inconvenience, these two categories of subscribers may be permitted for re-verification in their currently roaming/residing LSAs. The roaming outstation subscribers may be re-verified through the re-verification process of outstation subscribers as mentioned in instructions dated 15.06.2017.

4. In view of above, the proposal as mentioned in para 3 above regarding permitting the re-verification of roaming subscribers and outstation roaming subscribers in their roaming LSAs may be approved. Accordingly, draft instructions have been attempted and are placed at 59/C for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
18.09.2017

Director (AS-II) *Alvish*
19/09/2017.

DDG (AS)

Proposal with amended DFA at 59/c may be
agreed please. *@han1*
20.9.2017

Member (T)

Approved as discussed.

DDG (AS)

Dir (AS-II)

@han1

22.9.2017

21.9.2017

Alvish

ADG (AS-II)

-26/N-

Department of telecommunications
(Access Services Wing)

Subject: Subscriber Verification Issues faced due to UIDAI Requirements -
regarding

PUC (placed at 60/c) is a letter ~~received~~ dated 08.09.2017 received from Apex Advisory Council for Telecom (ACT) on the above subject mentioned above. This is in reference to Aadhaar based e-KYC re-verification exercise being carried out by the TSPs across the country.

2. In the reference, ACT has mentioned that in the last couple of months, UIDAI has introduced various changes in their setup and Aadhaar Authentication ecosystem. The details of the challenges and constraints faced by the Industry are mentioned in the Annexure attached with the representation. Earlier a similar reference was also received from ACT regarding revised financial conditions from UIDAI requesting DoT to intervene in the matter. The earlier reference received from ACT is placed at 61/c.

3. As directed, it is proposed to hold a meeting with the Telecom ^{Service} Industry and UIDAI under the Chairmanship of Secretary (Telecom) at 11:00 AM on 05.10.2017 in Committee Room, 2nd Floor, Sanchar Bhawan, New Delhi. Accordingly, a meeting notice has been prepared and is placed at 62/c for kind consideration and approval please.

Director (AS-II)

DDG (AS)

Dir (AS-II)

ADG (AS-II)

Oliver
25/09/2017.

- ① Meeting Notice as slightly corrected may be issued.
② A brief for internal circulation may be prepared.

Oliver
25/09/2017.

@hawi
25.9.2017

Prashant Verma
(Prashant Verma)
ADG (AS-II)
25.09.2017

-27/N-

Department of Telecommunication
(Access Services Wing)

Office of S. ...
TS No. ... 66924
... 17/10/17 ... 1458
... 17/10/17 ... 530

Subject: Record ~~note~~ of discussions of the Meeting held with UIDAI and Telecom Service Providers on 05.10.2017 regarding Challenges faced by Telecom Service Providers in Subscriber Verification/Re-verification due to changes made by UIDAI in Aadhaar Setup & Authentication Ecosystem.

A meeting was held on 05.10.2017 under the Chairpersonship of Secretary(Telecom) in the Committee Room, Sanchar Bhawan, New Delhi, with UIDAI and Telecom Service Providers(TSPs) on the above subject and to discuss the way forward in implementing the Orders of the Hon'ble Supreme Court regarding re-verification of mobile subscribers by February, 2018.

2. Based on the discussions and deliberations held in the meeting, a Record ~~Note~~ of discussions has been attempted and is placed at 67/C for perusal and approval please.

Vivek
09/10/2017

(Vivek Srivastava)
Director (AS-II)
09.10.2017

67/c as slightly corrected may be approved pl.

~~DDG(AS)~~

@hant
16.10.2017

~~Member (T)~~

cel
16.10.2017

~~Secretary (T)~~

~~DDG(AS)~~

Ad
16/10

~~Director (AS-II)~~

@hant
17.10.2017

ADG (AS - II)

Vivek
17/10/17

-28/N-

**Department of telecommunications
(Access Services Wing)**

Subject: Use of Aadhaar e-KYC service of Unique Identity Authority of India (UIDAI) for issuing new mobile connections and re-verification of existing subscribers

The Hon'ble Supreme Court, vide its order dated 06.02.2017, passed in the case of Lokniti Foundation v. Union of India and Others [Writ Petition (C) No. 607 / 2016], while taking cognizance of "Aadhaar based e-KYC process for issuing new mobile connections", launched by the Department of Telecom on 16th August, 2016 observed as follows:

"In view of the factual position brought to our notice during the course of hearing, we are satisfied, that the prayers made in the writ petition have been substantially dealt with and an effective process has been evolved to ensure identity verification, as well as, the addresses of all mobile phone subscribers for new subscribers. In the near future, and more particularly, within one year from today, a similar verification will be completed, in the case of existing subscribers."

Accordingly, on 23.03.2017 the Department of Telecommunications (DoT) issued instructions to the Telecom Service Providers (TSPs) to perform biometric (fingerprint / iris) Aadhaar e-KYC for re-verification of existing subscribers, analogous to new subscribers, as per the order of the Supreme Court [at 24/C].

Subsequently, it has come to the notice that some of the residents, especially senior citizens, face difficulty in verifying their identity using fingerprint based Aadhaar authentication. Further there are cases where residents due to being bed ridden, physically challenged etc. are not able to visit service points of TSPs. Such instances may result in denial of service to them. Suggestions have also been received to allow Aadhaar OTP based authentication for verification of mobile numbers.

2. Therefore, to ensure that no resident is denied service, to improve ease of doing re-verification and its success rate for overall enhancement of customer satisfaction and in consonance with the order of the Supreme Court, the following measures, to be taken by TSPs, are proposed:

2.1. Re-verification at subscribers' doorstep: Some mobile subscribers, due to factors such as age, disability and chronic illness are not able to visit the TSPs' service points for biometric authentication. The TSPs should provide the facility for verification of residents at their doorstep. Telecom operators should provide an online mechanism (through website, etc.) for people to request such service and based on availability schedule the visit and perform mobile re-verification to the doorstep.

2.2 OTP based Re-verification of Mobile Subscribers: TSPs shall enable a scheme to use OTP based Re-verification of mob using SMS and / or IVRS or on their mobile app. An illustrative re-verification process for a subscriber having more than one mobile numbers, of which one number M1 is registered with Aadhaar, is given below:

- i. Subscriber sends Aadhaar Number and his Aadhaar registered mobile number (say M1) from the mobile number (say M2) to be verified to designated number of Telecom operator
- ii. Telecom operator will perform Demographic Authentication to verify if subscriber's mobile number M1 is registered with given Aadhaar Number

- iii. If the Demographic Authentication is unsuccessful, Telecom operator shall inform the subscriber that the given mobile number is not registered with Aadhaar and therefore verification cannot be done through OTP. The subscriber shall be advised to either update his / her mobile number with Aadhaar to perform verification through OTP or do the verification through biometric authentication with Telecom operator.
- iv. If the Demographic Authentication is successful, OTP generation request will be sent by Telecom operator (AUA) to UIDAI. Aadhaar OTP will be sent by UIDAI to M1
- v. Telecom operator will inform M2 that Aadhaar OTP is sent to M1 and M1 shall send Aadhaar OTP and M2 to designated number of Telecom operator to complete the verification process
- vi. M1 sends Aadhaar OTP and M2 to designated number of Telecom operator
- vii. e-KYC details are captured
- viii. Process is completed after e-KYC and notification is sent to M1 and M2 giving details of both the mobile numbers, name of the subscriber and last 4 digits of Aadhaar number

In case of verification of Aadhaar registered mobile number (M1), Aadhaar OTP verification process will be done using same number(M1).

Telecom operators shall prepare an appropriate scheme based on above and obtain UIDAI's approval before implementing the OTP based re-verification.

This shall be an alternative process to the already existing process issued vide letter nos. 800-26/2016-AS.II dated 23.03.2017, 800-29/2010-VAS (Vol. I) dated 15.06.2017 and 800-26/2016-AS.II dated 22.09.2017 .

2.3. Iris based biometric authentication: DoT vide its circular dated 16.08.2016 had given instructions to Telecom Service Providers(TSPs) for using fingerprint or iris biometric devices for performing Aadhaar authentication. Though, most residents are able to verify their identity using fingerprint authentication, few residents, owing to poor finger print quality, disability or old age, are reportedly facing problems with fingerprint authentication. Therefore, the telecom operators are directed to deploy iris devices at appropriate number of service points and ensure that subscribers have access to iris based authentication within a reasonable geographical distance.

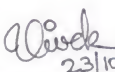
3. In the existing process of SIM re-verification and issuance of the new SIM in the agent assisted biometric Aadhaar authentication, e-KYC data of the subscriber including photograph is visible to the agent of Telecom operator. It shall now be ensured by telecom operators that the e-KYC details of the subscriber, viz., photograph, Date of Birth, Gender and Full Aadhar number of the subscriber are not made visible to the agent and the data shall not be stored on the agent's device. Only Name of the subscriber & Address as received from UIDAI should be displayed to subscriber along with Sl. No. 6 to 17 of 'Application Form for Re-verified mobile connection using e-KYC Process' [Annexure-I of DoT instructions no. 800-26/2016-AS.II dated 23.03.2017]. For Outstation Customers, Local Reference Details and Present Local Residential Address should be displayed for tele-verification.

4. Subscribers are facing difficulties in re-verifying their mobile numbers which have been issued from other Licensed Service Areas (LSAs). In order to address this difficulty, TSPs shall allow subscribers of any LSA to re-verify through Aadhaar OTP or their biometrics. TSPs may also allow the subscribers to change their address to the address mentioned in Aadhaar card.

5. In addition to the above, TSPs may organise door-to-door campaigns and camps for verification of their existing mobile subscribers to meet the timeline set in the order of the Supreme Court.

30/N

6. As per section 8(2)(a) and 8(3)(b) of Aadhaar Act 2016. TSPs are required to inform him/her the purpose for the authentication and take consent of the subscriber for doing the authentication for the said purpose. Therefore, other services of the telecom operators like DTH, broadband, bank payment, etc. shall not be bundled with Aadhaar verification of the subscriber, which is being done as per the order of the Hon'ble Supreme Court.
7. Further, TSPs shall implement a notification process for the subscribers to inform the subscriber that his/her Aadhaar authentication is used only for issuance of new mobile number or verification, as the case may be, for which he/she has provided consent. Details such as name, masked Aadhaar number, transaction date and time etc. shall be sent to the subscriber's mobile.
8. These measures detailed above containing procedures and clarifications are proposed to be issued in order to effectively implement the order of the Hon'ble Supreme Court.
9. Accordingly, draft instructions to be issued to the TSPs are placed at 69/C for perusal and approval please.


23/10/2017
(Vivek Srivastava)
Director (AS-II)
23.10.2017

~~DDG (AS)~~

@Lan/2
23.10.2017

~~Member (T)~~

Uel
23.10.2017

~~Secretary (T)~~

H
24/10

DDG (AS)

-31/N-

Department of telecommunications
(Access Services Wing)

Subject: Re-verification of Non-resident Indians (NRI)/ Overseas Indian mobile subscribers through Aadhaar based E-KYC process -regarding

PUC (placed at 71/c) is a D.O. letter dated 13.10.2017 received ^{from} Joint Secretary (OIA-I) Ministry of External Affairs on the subject mentioned above. This is in reference to a large number of petitions being received by MEA from Overseas Indians regarding insistence of telecom companies to link Aadhaar number with their mobile numbers. Since Overseas Indians are living ^{abroad} ~~abroad~~ and cannot come to India for re-verification of their mobile connections through biometric based authentication process. Further, there are some NRIs/Overseas Indians who neither possesses Aadhaar nor eligible for Aadhaar enrolment. A copy of representation dated 03.10.2017 ^{as} ~~is also~~ received from World NRI Council, New Delhi is also attached with the letter.

2. MEA has further mentioned that on similar issue of Aadhaar linking with PAN and mandatory mentioning of Aadhaar number in the annual Income Tax Returns raised by NRIs/Overseas Indians, CBDT has issued clarification that such requirement shall not be applicable to a non-resident, who is not eligible to get Aadhaar. The press release issued by CBDT in this regard on 05.04.2017 is also attached with the letter. Accordingly, MEA has requested DoT to take appropriate action on priority basis and suggested that it will be helpful if a suitable advisory is issued to the Telecom Companies and a press release is issued to create awareness about exemption of Overseas Indians from Aadhaar linkage with Indian mobile numbers. A similar reference is also received from MeitY vide letter dated 31.10.2017 (placed at 72/c) seeking response of DoT to provide the clarification whether there is any other alternative for the Indian Diaspora who do not have Aadhaar card, in order to avoid disconnection of their Indian mobile service.

3. It is submitted that as per Aadhaar Act, 2016 only a resident individual is entitled to obtain Aadhaar. The definition of "resident" mentioned in Aadhaar Act is reproduced as under:

"resident" means an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment"

4. In view of the ^{above stated} similar lines regarding relaxation granted by CBDT to NRIs/Overseas Indians in respect of Aadhaar linkage to PAN/Income Tax Return filing, it is proposed that those NRI/Overseas Indians, who do not have Aadhaar and are not eligible for Aadhaar enrolment, may be exempted from this re-verification exercise. Further, those NRIs/Overseas Indians, who have Aadhaar as well as a mobile number registered in their Aadhaar and are willing to re-verify their mobile connection, may be asked to re-verify their mobile connection through OTP based Authentication process as issued by DoT vide letter dated 23.10.2017 as this will facilitate them to re-verify their connection from their abroad locations.

P.P.P. . .

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F.No. 800-26/2016/145.II

5. In view of above submissions, the case is submitted for kind consideration and approval of proposal in para 4 above. Accordingly, if agreed and approved, the draft instructions to TSPs have been attempted and are placed at 73/c for kind consideration and approval please.

Prashant Verma

(Prashant Verma)

ADG (AS-II)

07.11.2017

Director (AS-II)

Oliver
7/11/2017.

DDG (AS)

Member (T)

Secretary (T)

The matter
was
discussed
with DDG(AS).
It was decided
the case
will be put
after some
time after
finalization
of the
process.

Prashant Verma
7/11/17

-33/N-

Department of telecommunications
(Access Services Wing)

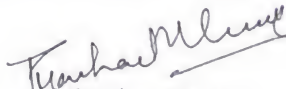
Subject: Order dated 03.11.2017 of Hon'ble Supreme Court passed in W.P. 1014/2017
{M.G. Devasahayam & Ors. V/S UoI & Ors.} & other connected matters- reg.

This is in reference to the order dated 03.11.2017 (copy placed at 74/c) of Hon'ble Supreme Court passed in W.P. (C) 1014/2017 {M.G. Devasahayam & Ors. V/S UoI & Ors.} & connected matters, wherein, Hon'ble Supreme Court has, inter-alia, directed that

"...At the same time, in the messages which are sent by Banks or service providers, for linking of Aadhar with Bank accounts or phones etc., it should be specifically stated that the last date for linking is 31st December, 2017 or 6th February, 2018, respectively"

2. It is suggested that the above mentioned order may be circulated to all Licensees for taking necessary action in order to avoid any contempt and ^{licensees} may be asked that any communications/voice messages/SMSs to be sent by the Licensees to their mobile subscribers regarding re-verification of mobile connections through Aadhaar based E-KYC process, shall contain the last date for re-verification, i.e., 06.02.2018.

3. In view of above, draft instructions to all Licensees have been attempted and are placed at 75/c for kind consideration and approval please.


(Prashant Verma)
ADG (AS-II)
13.11.2017

Director (AS-II)

DDG (AS)

on Tour

Approved
a. Chak
13/11/2017

-34/N-

Department of telecommunications
(Access Services Wing)

Subject: Re-verification of mobile subscribers through Aadhaar E-KYC process regarding exemption of Non-resident Indians (NRI)/ Overseas Indians/ Foreign subscribers/Senior citizens from re-verification of their mobile connections.

A reference dated 13.10.2017 (copy placed at 74/c) has been received from Joint Secretary (OIA-I) Ministry of External Affairs regarding large number of petitions being received by MEA from NRIs/Overseas Indians regarding insistence of telecom companies to link Aadhaar number with their mobile numbers. Since NRIs/Overseas Indians are living abroad and cannot come India for re-verification of their mobile connections through biometric based authentication process. Further, there are some NRIs/Overseas Indians who neither possesses Aadhaar nor eligible for Aadhaar enrolment. A copy of representation dated 03.10.2017 is also received from World NRI Council, New Delhi is also attached with the letter.

2. MEA has further mentioned that on similar issue of Aadhaar linking with PAN and mandatory mentioning of Aadhaar number in the annual Income Tax Returns raised by NRIs/Overseas Indians, CBDT has issued clarification that such requirement shall not be applicable to a non-resident, who is not eligible to get Aadhaar. The press release issued by CBDT in this regard on 05.04.2017 is also attached with the letter. Accordingly, MEA has requested DoT to take appropriate action on priority basis and suggested that it will be helpful if a suitable advisory is issued to the Telecom Companies and a press release is issued to create awareness about exemption of Overseas Indians from Aadhaar linkage with Indian mobile numbers. A similar reference is also received from MeitY vide letter dated 31.10.2017 (placed at 72/c) seeking response of DoT to provide the clarification whether there is any other alternative for the Indian Diaspora who do not have Aadhaar card, in order to avoid disconnection of their Indian mobile service.

3. It is submitted that as per Aadhaar Act, 2016 only a resident individual is entitled to obtain Aadhaar. The definition of "resident" mentioned in Aadhaar Act is reproduced as under:

" "resident" means an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment "

4. In view of the above stated similar lines regarding relaxation granted by CBDT to NRIs/Overseas Indians in respect of Aadhaar linkage to PAN/Income Tax Return filing, it is proposed that those NRI/Overseas Indians, who neither possess Aadhaar nor eligible for Aadhaar enrolment, may be exempted from this re-verification exercise. Further, those NRIs/Overseas Indians, who have issued their Aadhaar but cannot come to India for re-verification, may also be exempted from this re-verification exercise. In addition of this, mobile subscribers of foreign nationality, who also may neither possess Aadhaar nor eligible for Aadhaar enrolment, may be exempted from this re-verification exercise.

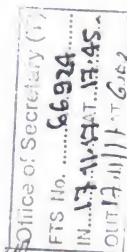
5. Further various public grievances and references have been received regarding the difficulties being faced by senior citizens in re-verification of their mobile connections. It is submitted that as per the census data of year 2011 (copy placed at 77/c), there were around 6-7 Crores of people in India having age more than 65 years old. Since the fingerprints of senior citizens get faded away due to old age, they are facing a lot of difficulties while scanning of fingerprints during the E-KYC process. Sometimes, even the Iris scanning also may not work

P.P.P.,

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P.O. No: 800-26/2016/AS-II

due to deterioration of eyes of old aged people. Although, other authentication mechanism like OTP based authentication has been introduced by the Department to facilitate such people, however, some of the old aged person may be living alone without any assistance and may not be comfortable with mobile/computer operations and hence may not be able to exercise these other alternative mechanisms. Thus, it may be appropriate that senior citizens having age more than 70 years old as on 01.02.2017 (taking reference of month in which Supreme Court passed the orders of re-verification) may be exempted from this re-verification exercise as these subscribers are small in numbers considering the total subscriber base of the country and are not likely to be involved in anti-national activities.



6. In view of above submissions, the case is submitted for kind consideration and approval of proposal in para 4 and 5 above. Accordingly, the draft instructions to TSPs have been attempted and are placed at 78/c for kind consideration and approval please.

Prashant Verma

(Prashant Verma)

ADG (AS-II)

17.11.2017

Director (AS-II) - on leave.

Director (AS-I)

SS
17/11/17

DDG (AS) - on tour.

Member (T)

Prabhash

17/11/17

Secretary (T)

SS
17/11

M(T)

Prabhash
17/11

ADG (AS-II)

The undersigned was directed to issue the letter till the concurrence from OIAI is received. As per the legal advice received from OIAI (placed at 78/c), blanket exemptions cannot be given to above subscribers. So, DFT placed at 78/c is not issued.

Prashant Verma

-36/N-

Department of telecommunications
(Access Services Wing)

Subject: Procedure for re-verification of mobile connections of Non-resident Indians (NRIs)/ Overseas Indians/Subscribers of foreign nationality/Senior citizens/ Physically Challenged persons- regarding.

Hon'ble Supreme Court, while disposing off the Writ Petition (Civil) No. 607/2016 filed by Lokniti Foundation V/s Union of India, vide its order dated 06.02.2017, had directed for re-verification of all existing mobile subscribers through Aadhaar based E-KYC process preferably within a period of one year.

2. In compliance to these orders, instructions were issued to all Licensees on 23.03.2017 (copy placed at 24/c) for Aadhaar based E-KYC based re-verification of all existing mobile subscribers except bulk, outstation and foreign customers.

3. For re-verification of outstation subscribers i.e., subscribers who are having Aadhaar issued in other Licensed Service Areas, as well as issue of new mobile connection to outstation customers through Aadhaar based E-KYC process, instructions were issued on 15.06.2017 (copy placed at 46/c).

4. Various representations of Non Resident Indians (NRIs)/Overseas Indians/Subscribers of foreign nationality have been received regarding difficulties being faced by them in re-verification of their Indian Mobile Connections through Aadhaar based E-KYC process as they neither possess Aadhaar nor eligible for Aadhaar enrolment. Further, representations from Senior Citizens/Physically Challenged/General Public have also been received regarding difficulties being faced by them in re-verification process due to various reasons.

5. To facilitate the subscribers who are facing the difficulties in re-verification , Department of Telecom, vide its instructions dated 23.10.2017 (placed at 70/c), has also permitted the Aadhaar OTP based re-verification via SMS/IVRS/Web/Mobile App. of existing mobile subscribers as an alternative mechanism to the existing biometric based re-verification process. This process is applicable for only those subscribers who have registered their mobile numbers with UIDAI. The OTP based re-verification process does away with the requirement of the subscriber having to visit the Point of Sale (PoS) location of the TSP.

6. In instructions dated 23.10.2017, TSPs were directed to prepare the appropriate OTP based scheme and obtain the approval for the same. Accordingly, all TSPs filed their proposal to UIDAI along with the copy of same to the undersigned and Director (AS-II). Vide e-mail dated 02.11.2017(copy placed at 80/c), TSPs were directed to submit the detailed scheme for the OTP based re-verification process with DoT, for examination by DoT and taking the scheme forward.

7. Vide e-mail dated 08.11.2017 (copy placed at 81/c), UIDAI has intimated that *UIDAI security team has raised some concerns in SMS based solutions of OTP based authentication process and TSPs have been directed to prepare web portal and mobile app based solutions without using SMS channel.*

8. Now, UIDAI vide letter dated 15.11.2017 (copy placed at 82/c), has recommended only two processes, i.e., Web portal and IVRS based process. The processes recommended by UIDAI are reproduced as under:

Method 1- Mobile re-verification through TSPs own Web Portal:

- i. Resident will enter the mobile number (to be verified) on the TSP website.
- ii. TSP will generate an OTP (this is not Aadhaar OTP and TSPs will setup their own processes for generating the OTP here) on the entered mobile number which the resident will enter on the website. This process will confirm that the mobile to be re-verified is available with the resident.
- iii. Consent message as per Aadhaar Act 2016 will be displayed on the website and resident will enter the Aadhaar number after checking the consent box.
- iv. TSP will generate an OTP request to UIDAI.
- v. If there is any mobile number registered with Aadhaar, resident will receive the OTP on the registered mobile.
- vi. Resident will receive a consent message for receiving e-KYC form UIDAI and resident will enter the OTP after providing the consent.
- vii. Successful e-KYC authentication and confirmation to resident that mobile has been re-verified.

Method 2- Mobile re-verification through IVR:

- i. Resident calls the TSP IVR through the mobile number that needs to be re-verified.
- ii. IVR plays the consent message and resident provides the Aadhaar number.
- iii. OTP request is sent to UIDAI if there is Aadhaar registered mobile otherwise error message is played.
- iv. OTP is received on the Aadhaar registered mobile and consent message is played.
- v. Resident enters the OTP on the IVR and e-KYC details are fetched from UIDAI.
- vi. Successful mobile re-verification message is given on the IVR as well as SMS notification on the subscriber's module.
- vii. The IVR language should be in English, Hindi and other regional languages of the respective state/circles.

9. It is pertinent to mention that the main process which is notified by DoT is SMS based process in which the subscribers will send the mobile number and Aadhaar number via SMS to TSP for OTP based authentication. In this process, the SMS channel is the mode of communications between the subscribers, TSPs and UIDAI. As UIDAI security team has raised some concerns in SMS based solutions of authentication process, it is suggested that this SMS based process should not be approved by DoT.

10. The two processes which have been recommended by UIDAI have been examined and the comments on the same are as below:

- i. In OTP based authentication process, only the details available in Aadhaar i.e., name, gender, date of birth, photograph and address are captured in CAF while some of the mandatory fields like Father/husband's name, Nationality, other mobile connections held by subscribers, and local reference details (in case of outstation subscribers) in CAF will not be captured.
- ii. In case of outstation subscribers, the details of local re-verification & tele-verification of the same are envisaged as per the requirements of MHA/IB.

F.P.P. ..

-38/W-

- iii. Further, it is important to note that all the fields in CAF format for E-KYC process were finalized after due consultation with MHA/IB.
 - iv. In web portal process, any person can operate the process through public internet. Those subscribers which may not be comfortable with mobile/computer operations and do not have Internet connectivity may approach Common Citizen Centres/Cyber Cafes, etc., and there may be chances of forgery at such points/centres. As the message which is sent by UIDAI does not include the purpose of authentication, the subscribers will not be able to identify the OTP which is received by them is for authentication of their mobile number only. There might be a chance that operator/person at cyber cafe may re-verify another fake mobile connection by seeking the OTP from the subscribers.
 - ii. With regard to the IVRS process, it is submitted that as there is no human intervention in the process other than the subscriber itself, the IVRS seems to be safer than web based process. However, the format of the CAF needs to be modified as per the process. As it is not feasible to feed/key in the details of local reference (which includes alphanumeric characters) in case of outstation subscribers during the IVRS process, it is proposed that the IVRS process should not be made applicable to outstation subscribers.
11. A meeting of COS was also held on 21.11.2017 (copy placed at 83/c) wherein the issues in re-verification process were also discussed. The minutes of the COS meeting is placed at 84/c. It has been conveyed to the undersigned that during discussions and deliberations held in COS meeting, it was decided to prepare another method/procedures for re-verification of NRI customers/Foreign Subscribers/Senior Citizens not able to do biometric authentication/Physically challenged persons. Accordingly, the undersigned has been directed to prepare the detailed procedures on the following lines:
- a) For NRI customers/Senior Citizens above 70 years old as on 01.01.2018/Physically Challenged persons, a web based process may be prepared through which the customers can initiate the re-verification process and Aadhaar OTP authentication of the trusted person may be considered for re-verification of such customers.
 - b) For foreign national subscribers, it may be considered that a CAF should be filled up again and live photograph of subscribers should be taken at by TSPs and scanned copy of passport/VISA should be attached with CAF.
12. Based on the above mentioned lines, various rounds of discussions were held with UIDAI and TSPs. The details of communications took place with UIDAI/TSPs is placed at 85/c collectively. Accordingly, after taking into consideration the suggestions from UIDAI and TSPs, the detailed procedures for re-verification of following category of subscribers as an alternative method of re-verification have been prepared and is placed at 86/c:
- i. *Customers of Foreign Nationality and not having Aadhaar.*
 - ii. *NRI Customers not having Aadhaar or his/her Aadhaar number does not have mobile number registered with UIDAI.*

F.P.P.

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F.No: 800-26/2016/As. II

- iii. Senior Citizens above 70 years as on 01.01.2018 not having Aadhaar or his/her Aadhaar does not have mobile number registered with UIDAI or have Aadhaar but unable to do biometric authentication/ Physically Challenged persons.
- iv. IVRS based OTP authentication process for subscribers having mobile number registered with Aadhaar (not applicable to outstation subscribers).


13. In view of above submissions, the case is submitted for following:

- a) In OTP based Authentication, only the IVRS based process may be approved please.
- b) Accordingly, the draft instructions to be issued to Licensees for implementing the detailed procedures for re-verification of following category of subscribers as an alternative method of re-verification placed at 87/c may be approved please:
 - a) Customers of Foreign Nationality and not having Aadhaar.
 - b) NRI Customers not having Aadhaar or his/her Aadhaar number does not have mobile number registered with UIDAI.
 - c) Senior Citizens above 70 years as on 01.01.2018 not having Aadhaar or his/her Aadhaar does not have mobile number registered with UIDAI or have Aadhaar but unable to do biometric authentication/ Physically Challenged persons.
 - d) IVRS based OTP authentication process for subscribers having mobile number registered with Aadhaar (not applicable to outstation subscribers).



(Prashant Verma)
ADG (AS-II)
01.12.2017


Director (AS-II)


01/12/2017

DDG (AS)

on Leave

DDG (AS-I)


01.12.2017

Member (T)

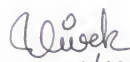


01/12/2017

Secretary (T)


1/12

Dir (AS-II)


01/12/17

ADG (AS-II)

May please be considered
for approval.



-40/N-

Department of telecommunications
(Access Services Wing)

Subject: Record of Discussions of the Meeting taken by the Pr. Secretary to PM to review the progress of schemes/services using Aadhaar as identifier on 16.11.2017.

PUC at 89/C is a copy of the summary Record of Discussions of the meeting taken by the Principal Secretary to PM to review the progress of schemes/service using Aadhaar as identifier on 16.11.2017. The meeting was attended by Secretary (T) and Shri P.K. Mittal.

2. The decisions, pertaining to DoT, in paras 3(iii) and 3(x) of the Record of Discussions, are reproduced below:

"3.

(iii) At times, there have been misconceptions about benefits of using Aadhaar in Government schemes and services and also procedure to be followed for Aadhaar seeding. Each Department should devise a proper communication strategy (print/electronic/social media) to reach out people at large and clearly state benefits and the procedure for Aadhaar seeding. The Departments may also issue advertisements in respect of their schemes as and when required."

.....

(x) The real benefits of Aadhaar would accrue when de-duplication of database for removal of ghost and fake beneficiaries is done. The Departments should ensure that de-duplication is carried out on regular intervals. Each Department should also review and assess the actual advantages that have accrued on account of using Aadhaar as identifier

....."

3 In respect of decision mentioned as 3(iii) above, it is submitted that TERM Cells issue advertisements/does publicity in respect of subscriber verification as well as Electromagnetic Radiation awareness program, as and when need arises. Therefore, it may be appropriate that DGT HQ Wing, in co-ordination with all concerned LSA TERM Cells, may devise a proper communication strategy (print /electronic/social media) to reach out people at large and clearly state the benefits and procedure for re-verification of mobile subscribers through Aadhaar based E-KYC process. Further, DGT HQ Wing may be requested to submit the action taken report of all LSAs TERM Cells at the earliest so that the compliance may be submitted to PMO.

4. In respect of decision 3(x) above, wherein, it has been directed that de-duplication of data base for removal of ghost and fake beneficiaries is to be carried out on regular intervals, it is submitted that no scheme of the Department of Telecom falls under the Direct Beneficiary Transfer (DBT) scheme and as such no action needs to be taken by the Department.

F.P.P. ...

-41/N-

F.No: 800-26/2014/AS-II

5. In view of above submissions, the case is submitted for approval of proposal as mentioned in 3 above. Accordingly, a draft letter to DGT HQ ^{wing} has been attempted and is placed at 90/c for kind consideration and approval please.

Prashant Verma

(Prashant Verma)

ADG (AS-II)

07.12.2017

Director (AS-II)

Quick
08/12/2017

DDG (AS)

DFA at 90/c as proposed, may kindly be agreed as slightly amended please

@Law
8-12-2017

Member (T)

Babbar

31/12/17

DDG (AS)

@Law
11.12.2017

Dir (AS-II)

Quick
11/12/2017

ADG (AS-II)

Issued at 91/c

Prashant Verma
11/12

-42/N-

**Department of telecommunications
(Access Services Wing)**

Subject: Re-verification of mobile subscribers through Aadhaar E-KYC process regarding extension of last date of re-verification.

Hon'ble Supreme Court, while disposing off the Writ Petition (Civil) No. 607/2016 filed by Lokniti Foundation V/s Union of India, vide its order dated 06.02.2017, had directed for re-verification of all existing mobile subscribers through Aadhaar based E-KYC process preferably within a period of one year.

2. In compliance to these orders, instructions were issued to all Licensees on 23.03.2017 (copy placed at 24/c) for Aadhaar based E-KYC based re-verification and all licensees were directed to complete the re-verification process by **06.02.2018.**

3. Hon'ble Supreme Court, vide its order dated 15.12.2017 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters (copy placed at 92/c), has inter-alia, directed that:

".....(iv) As regards Aadhaar based E-KYC for mobile phone subscribers, as held by a Bench of two learned Judges of this Court by its order dated 6 February 2017 in Lokniti Foundation v Union of India and Another, the process of completing the E-KYC process is to be completed by 6 February 2018. The Union government informs the Court, that consistent with the extension of the deadline to 31 March 2018 in other cases, this Court may consider passing appropriate orders.

.....

12 In terms of (iv) above we extend the date for the completion of the E-KYC process in respect of mobile phone subscribers until 31 March 2018....."

4. In compliance to above directions of Hon'ble Supreme Court, we may extend the last date of re-verification of existing mobile subscribers through Aadhaar based E-KYC process as mentioned in instructions dated 23.03.2017 i.e., 06.02.2018, upto **31.03.2018.**

5. It is suggested that the above mentioned order may be circulated to all Licensees for taking necessary action in order to avoid any contempt. Further, the Licensees may be directed that any communications/voice messages/SMSs to be sent by them to their mobile subscribers regarding re-verification of mobile connections through Aadhaar based E-KYC process, shall now contain the last date for re-verification as 31.03.2018.

6. In view of above, draft instructions to all Licensees have been attempted and are placed at 93/c for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
19.12.2017

Director (AS-II)

Quick
19/12/2017

DDG (AS)

@Lam
19.12.17

Member (IT)

Prabhash

DDG (AS)

20.12.17
Dir (AS-II)

@Lam
20/12/2017

Quick
20/12/2017 ADG (AS-II)

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Department of telecommunications
(Access Services Wing)

Subject: Procedure for re-verification of mobile connections of Non-resident Indians (NRIs)/ Overseas Indians/Subscribers of foreign nationality/Senior citizens/ Physically Challenged persons & IVRS based process for local subscribers- regarding.

As per approval on page 39/N ante, instructions have been issued on 01.12.2017 (copy placed at 88/c) for re-verification of mobile connections in respect of subscribers of foreign nationality, Non-resident Indians (NRIs), Senior citizens/ Physically Challenged persons and IVRS based process for local subscribers (not applicable for outstations customers). In these instructions, all licensees have been directed to implement these processes by **01.01.2018** (para 4 of instructions). The status/confirmation of readiness of these processes was sought from all Licensees vide e-mail dated 27.12.2017 (copy placed at 96/c) and it was directed that the status may be submitted to the undersigned by 5:00PM of 27.12.2017.

2. The reply from M/s Airtel, Aircel, Idea, Reliance Jio, Tata Teleservices Ltd (TTSL), and Vodafone has been received (placed collectively at 97/c) while status from other Licensees i.e. BSNL, MTNL, Telenor & RCOM is not received. The status received from these licensees is summarized below:

S.No.	Name of TSP	Proposed date of commencement of processes by TSPs		Comments submitted by TSPs
		IVRS based process	Web based process for NRI/Foreigners/Senior Citizens/Physically challenged	
1.	Airtel	01.01.2018	Not mentioned any date	Required technical and IT processes are under development and can only be rolled out after stringent testing to avoid any lapses during such authentications for large number of subscribers.
2.	Aircel	01.01.2018	2-4 weeks	The other processes, which are WEB based, are still under development and will take some time before we get ready for deployments. It is expected to take approx. 2-4 weeks before we start testing and initiate deployments.
3.	Idea	01.01.2018	2 nd Week of January	Implementation of these alternate processes of re-verification require high level IT integration and rigorous testing & deployment of IT infrastructure on the LIVE network.
4.	Reliance Jio	06.01.2018	25.01.2018-for	Not mentioned any comment.

F.P.P. .

-44/N-

F.No : 800-26/2016-AS-II

			Foreign national 15.02.2018- for NRI, Senior Citizens/Physically Challenged	
5.	TTSL/TTML	Not mentioned any date	Not mentioned any date	Testing and development of these process is underway
6.	Vodafone	01.01.2018	14.01.2018	Not mentioned any comment. (status sent through SMS)

Office of Secret.
FTS No. 11924
IN. 1.1.18. AT. 10.3.17
OUT 3.1.18 AT 10.3.17

Submitted for kind information and directions for further actions to be taken in view of the above status vis-à-vis the deadline of 01.01.2018 conveyed to TSPs.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
28.12.2017

Director (AS-II)

Qwek
28/12/2017

DDG (AS)

@hawl
28.12.2017

Member (T)

In view of partial compliance of 01.12.2017 letter (copy at 88/c) the UIDAI may be consulted to decided future course of action please.

Secretary (P)

Prabhash
29.12.2017

I will take a meeting on 12/1/18
at 3.00 PM with TSPs. CRO, VIDE
to be invited

Meeting may be
held on 12/1/18
at 3.00 PM.
K. K.
31/12

m/p

Pl. issue notice ad agenda early. Include
~~ambassador issue of MCA 2010~~
Prabhash

V D G (AS)

@hawl
4.1.2018

*Prabhash*4/1/18Dir (AS-II)

As intimated by the % Member (T), the
meeting has been rescheduled, on to be ^{held} on
19/01/2018 at 3pm. Meeting notice
may pls be issued.

Qwek
08/01/2018

ADG (AS-II)

-45/N-

**Department of telecommunications
(Access Services Wing)**

Subject: Re-verification of mobile subscribers through Aadhaar E-KYC process regarding extension of last date of re-verification.

Hon'ble Supreme Court, while disposing off the Writ Petition (Civil) No. 607/2016 filed by Lokniti Foundation V/s Union of India, vide its order dated 06.02.2017, had directed for re-verification of all existing mobile subscribers through Aadhaar based E-KYC process preferably within a period of one year.

2. In compliance to these orders, instructions were issued to all Licensees on 23.03.2017 (copy placed at 24/c) for Aadhaar based E-KYC based re-verification and all licensees were directed to complete the re-verification process by **06.02.2018**. Further, as per the Hon'ble Supreme Court's order dated 15.12.2017 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} & connected matters, the last date of re-verification was further extended upto **31.03.2018** vide letter dated 20.12.2017 (copy placed at 94/c).

3. Now Hon'ble Supreme Court, vide its order dated **13.03.2018** in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters (copy placed at 98/c), has inter-alia, directed that:

".....we direct that the interim order passed on 15.12.2017 shall stand extended till the matter is finally heard and the judgment is pronounced. That apart, the directions issued in the interim order shall apply as stated in paragraphs 11 to 13 in the said order....."

4. In compliance to above directions of Hon'ble Supreme Court, we may extend the last date of re-verification of existing mobile subscribers through Aadhaar based E-KYC process as mentioned in instructions dated 20.12.2017 i.e., 31.03.2018, till the matter is finally heard and the judgment is pronounced by the Hon'ble Supreme Court.

5. It is suggested that the above mentioned order may be circulated to all Licensees for taking necessary action in order to avoid any contempt. Further, the Licensees may be directed that any communications/voice messages/SMSs to be sent by them to their mobile subscribers regarding re-verification of mobile connections through Aadhaar based E-KYC process, should not contain any last date for re-verification.

6. In view of above, draft instructions to all Licensees have been attempted and are placed at 99/c for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
20.03.2018

Director (AS-II)

ADG
20/3/18

DDG (AS-I)

[Signature]
21/3/18

DIR (AS-II)

ADG
21/3/2018

ADG (AS-II)

-46/N-

Department of Telecommunications
(Access Services Wing)

Subject: Hon'ble Supreme Court Judgment & order dated 26.09.2018 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters –regarding.

Hon'ble Supreme Court, vide its final judgment and order dated 26.09.2018 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters, has upheld the constitutional validity of Aadhaar Act, 2016. In respect of the issues related to Department of Telecom (DoT), the Hon'ble Supreme Court has declared the circular dated 23.03.2017 issued by DoT regarding re-verification of existing mobile subscribers through Aadhaar based E-KYC process, as unconstitutional and accordingly, set aside the same. Further, the Hon'ble Supreme Court has made certain observations in its judgment regarding the usage of Aadhaar/authentication performed using E-KYC service of UIDAI and also set aside some of the clauses/struck down some of the portion of clauses of Aadhaar Act and Aadhaar Regulations, 2016. Since the complete judgment runs into 1448 pages, which is very lengthy and comprehensive, it is difficult to analyze and summarize the observations of Hon'ble Supreme Court at this point of time.

2. Some of the salient features of Judgment of Hon'ble Supreme Court, which are also concerned to DoT and need immediate attention, are as mentioned below:

- i. The constitutional validity of Aadhaar Act, 2016 has been upheld by Hon'ble Supreme Court by a majority of 4:1.
- ii. The portion of Section 57 of the Aadhaar Act which enables body corporate and individual to seek authentication has been held unconstitutional and struck down by the Hon'ble Supreme Court. (Relevant portions of judgment is placed collectively at 101/c).
- iii. The circular dated 23.03.2017 issued by DoT regarding Aadhaar-Mobile linking is held unconstitutional and has been set aside. (Relevant portion of judgment is placed collectively at 102/c).
- iv. Authentication records are not to be kept beyond a period of six months, as stipulated in Regulation 27(1) of the Authentication Regulations. This provision which permits records to be archived for a period of five years has been held bad in law. (Relevant portions of judgment is placed collectively at 101/c).
- v. Hon'ble Justice Chandrachud, who did not uphold the constitutional validity of Aadhaar Act, inter-alia, also directed for deletion of biometric data and Aadhaar details of all mobile subscribers collected by TSPs within two weeks.

3. It is submitted that instructions issued for 'Aadhaar based Electronic-Know Your Customer (E-KYC)' process on 16.08.2016 (copy placed at 21/c), for issuing new mobile connection to subscribers, do not seem to be stand validated subsequent to judgment of Hon'ble Supreme Court, even as an alternative mechanism, as the portion of Section 57 of the Aadhaar Act, which enables body corporate and individual to seek authentication, is declared unconstitutional and set aside by Hon'ble Supreme Court. Thus, the Telecom Service Providers (TSPs) are also barred from seeking the authentication facility of UIDAI. Further, it is also held by Hon'ble Supreme Court that the authentication records

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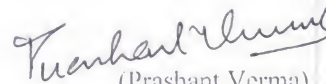
of transactions cannot be stored for more than 6 months. Therefore, it may be appropriate that all Telecom Service Providers (TSPs) may be directed to discontinue the use of Aadhar based E-KYC process for issuing new mobile connections with immediate effect.

4. As the circular dated 23.03.2017 (copy placed at 24/c) issued by DoT regarding re-verification of existing mobile subscribers through Aadhaar based E-KYC process, is declared unconstitutional and has been set aside by the Hon'ble Supreme Court, it may be appropriate that all TSPs may be directed to discontinue the use of Aadhaar based E-KYC process for re-verification of existing mobile subscribers with immediate effect.

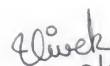
5. With regard to other usage of Aadhaar in paper CAF process for issuing new mobile connection, i.e., acceptance of Aadhaar Card/e-Aadhaar as Proof of Identity/Proof of Address (PoI/PoA) documents for issuing new mobile connections, and optional declaration of writing Aadhaar number on CAFs (copy of instructions issued by DoT placed at 103/c collectively), as it is difficult to assess whether the Aadhaar can be used for any other purpose subsequent to the judgment of Hon'ble Supreme Court, it may be appropriate at this point of time that TSPs may be directed for not accepting the Aadhaar Card/e-Aadhaar as PoI/PoA documents in paper CAF based process and for deletion of column of Aadhaar number in CAF in paper CAF based process with immediate effect.

6. With regard to other necessary compliance to the judgment of Hon'ble Supreme Court on Aadhaar, if any, on part of DoT, it is submitted that the matter may be deliberated/consulted with Ministry of Electronic & Information Technology and UIDAI.


7. In view of above submissions and for necessary compliance to the judgment of Hon'ble Supreme Court, it may be appropriate that TSPs may be directed to discontinue the use of 'Aadhaar' e-KYC service of UIDAI for issuing new mobile connections and re-verification of existing subscribers with immediate effect. Further, TSPs may also be directed to discontinue accepting the Aadhaar Card/e-Aadhaar as PoI/PoA documents and for deletion of column for writing Aadhaar number on CAF in paper CAF based process with immediate effect. Accordingly, draft instructions have been attempted and are placed 104/c for kind consideration and approval please.


(Prashant Verma)
ADG (AS-II)
28.09.2018

Director (AS-II)


28/09/2018

DDG (AS)


28/9/18

Member (T)


28/9/18

Secretary (T)

Hon'ble MoS(IC), MoC

It is proposed that we
may seek advice of VIDAI
in the matter in the first instance.

It approved, DoT shall
write to CEO, VIDAI for advice on

-48/N-

next steps.

Ind
27/n.

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DDG/AS

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1/10/18

Dir(AS-II) - on leave.

Ref. note above.

As per above approval, a draft letter addressed to CEO, UIDAI, seeking views/comments on the draft instructions and other advice/next steps in the matter, has been attempted & is placed at-105/c for kind consideration & approval please.

Manish Kumar
03/10/18
ADG/AS-II

Director(AS-II) - on leave.

DDG/AS

Ind
3/10/18

ADG(AS-II)

Issued. Sent via mail.

Ind
03/10/18

**Department of Telecommunications
(Access Services Wing)**

Subject: Hon'ble Supreme Court Judgment & order dated 26.09.2018 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters –regarding.

Hon'ble Supreme Court, vide its final judgment and order dated 26.09.2018 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters, has upheld the constitutional validity of Aadhaar Act, 2016. In respect of the issues related to Department of Telecom (DoT), the Hon'ble Supreme Court has declared the circular dated 23.03.2017 issued by DoT regarding re-verification of existing mobile subscribers through Aadhaar based E-KYC process, as unconstitutional and accordingly, set aside the same. Further, the Hon'ble Supreme Court has made certain observations in its judgment regarding the usage of Aadhaar/authentication performed using E-KYC service of UIDAI and also set aside some of the clauses/struck down some of the portion of clauses of Aadhaar Act and Aadhaar Regulations, 2016.

2. The case processed on page 46-48 ante for issuing instructions to all Licensees in order to comply with the Hon'ble Supreme Court judgment. As per the approval on page 47-48 ante, vide letter dated 03.10.2018 (copy placed at 106/c), UIDAI was requested to offer views/comments on the draft instructions to be issued to all Licensees and also advice on next steps in the matter for DoT for necessary compliance to the judgment of Hon'ble Supreme Court.

3. In the meanwhile, UIDAI's letter dated 01.10.2018 (copy placed at 107/c) was received vide which UIDAI has directed all Telecom Service Providers, that *"...all TSPs are called upon to immediately take actions in order to comply with the judgment dated 26.9.2018. In this regard, TSPs are hereby directed to submit by 15th October, 2018, an action plan/exit plan to the authority for closure of use of Aadhaar based authentication systems which shall include without limitation, the aspects enumerated under Regulation 23(2) of the Aadhaar (Authentication) Regulations, 2016. If the Authority does not receive any communication to this effect within the stipulated timeline, the authentication services shall be terminated without any further notice."*

4. Subsequent to the judgment of Hon'ble Supreme Court on Aadhaar, The Telecom Industry, vide its joint representation dated 05.10.2018 (copy placed at 108/c), has suggested an alternate digital process for KYC of mobile subscribers which envisaged CAF to be embedded with photograph and scanned images of PoI/PoA thereby digitize the end to end process for on boarding of new mobile subscribers by making it completely paperless. The proposal of COAI was examined and a presentation was also given by COAI in DoT on 15.10.2018 (copy placed at 109/c). In the said presentation, it was decided that a Proof of Concept of the proposed process shall be offered by Licensees to all concerned for further examination.

5. In response to DoT letter dated 03.10.2018, UIDAI, vide its letter dated 16.10.2018 (placed at 110/c), has forwarded the opinion of Ld. Attorney General of India on the interpretation of Hon'ble Supreme Court judgment on Aadhaar (copy attached as Encl.-2 with UIDAI letter- **Flag-A**). As per the opinion of Ld. AG, the Licensees may also accept Physical Aadhaar/e-Aadhaar/ masked Aadhaar/ Aadhaar XML as POI/POA document, if offered voluntarily by the subscriber by the SIM card applicants. Accordingly, UIDAI has modified the draft instructions sent by DoT as per the opinion of Ld. AG. The copy of revised draft instructions is attached as Encl.-1 with UIDAI letter (**Flag-B**).

6. The queries raised by UIDAI to Ld. AG and the opinion given on them are reproduced as under:

UIDAI query: 1. Is the use of a physical Aadhaar card(without authentication) as a part of the aforesaid steps in establishing KYC prohibited pursuant to the judgement of the Supreme Court in Puttaswamy-II?

Ld. AG Opinion: "...All of the above extracts from the judgement of the Court would, in my opinion, leave no room for doubt that the voluntary use of a physical Aadhaar card, without authentication, by the Aadhaar number holder who wishes to establish his/her identity, is not prohibited by the judgement. This would include physical copies of the 'e-aadhaar' and 'masked aadhaar' and offline XML as well. It would also, in my view, permit offline verification of the Aadhaar card, to establish its genuineness, through the 'QR code' embedded in the Aadhaar card."

UIDAI query: 2. Can the UIDAI provide authentication response to a bank or telecom company which seeks to identify its customer through Aadhaar authentication if such customer voluntarily offers to do so?

3. If Yes, will it require appropriate amendments in the current PML rules/Telegraph Rules/PML Act/Telegraph Act or can it be done through executive circulars of RBI/DOT?

Ld. AG Opinion: In paragraph 447(h) of its judgement, the Court has, while declaring a part of Section 57 of the Aadhaar Act unconstitutional, prohibited a body corporate (which would include a bank or a telecom company) from seeking 'authentication', purely on the basis of a contract. Additionally, the Court has also expressly stated that the use of the Aadhaar number for any purpose other than those specified in Section 7 of the Aadhaar Act would only be permissible if such purpose is "backed by law". The relevant statements in paragraph 447 (h) of the judgement read thus:

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"(h) Insofar as Section 57 in the present form is concerned, it is susceptible to misuse inasmuch as: (a) It can be used for establishing the identity of an individual 'for any purpose'. We read down this provision to mean that such a purpose has to be backed by law. Further, whenever any such "law" is made, it would be subject to judicial scrutiny. (b) Such purpose is not limited pursuant to any law alone but can be done pursuant to 'any contract to this effect' as well. This is clearly impermissible as a contractual provision is not backed by a law and, therefore, first requirement of proportionality test is not met. (c) Apart from authorizing the State, even 'any body corporate or person' is authorized to avail authentication services which can be on the basis of purported agreement between an individual and such body corporate or person. Even if we presume that legislature did not intend so, the impact of the aforesaid features would be to enable commercial exploitation of an individual biometric and demographic information by the private entities. Thus, this part of the provision which enables body corporate and individuals also to seek authentication, that too on the basis of a contract between the individual and such body corporate or person, would impinge upon the right to privacy of such individuals. This part of the section, thus, is declared unconstitutional." (emphasis supplied)

In my opinion, the effect of these observations is that authentication responses cannot be provided by the Querist, to a telecom company or a bank, even if it is voluntarily done by the Aadhaar number holder, unless a law is enacted by Parliament for this purpose, authorizing such use of the Aadhaar number.

I may also point out that the judgment of the Court has affirmed that the 'doctrine of proportionality' would be applied to test validity of a legislative measure which is alleged to infringe the fundamental rights guaranteed under Part III of the Constitution of India. It has laid down certain tests for this purpose, which have been summarized in paragraphs 433 and 447 (8) (b) of the judgment, as follows:

"To recapitulate, the test of proportionality requires that a limitation of the fundamental rights must satisfy the following to be proportionate: (i) it is designated for a proper purpose(ii) measures are undertaken to effectuate the limitation are rationally connected to the fulfilment of the purpose: (iii) there are no alternatives less invasive measures : and (iv) there is a proper relation between the importance of achieving the aim and the importance of limiting the right.

Any legislation which may hereafter be enacted by Parliament, seeking to make the Aadhaar number, and authentication, mandatory

for any purpose, would be required to satisfy these additional tests of proportionality in order to be constitutionally valid.

7. From the above opinion of Ld. AG, it may be concluded that the use of Aadhaar based E-KYC process for issuing new mobile connections as an alternative mechanism, cannot be continued by TSPs as the portion of Section 57 of Aadhaar Act, 2016 permitting such use has been held unconstitutional and struck down by Hon'ble Supreme Court.

8. Various rounds of discussions have been held in the Department and a meeting was also held with all Telecom Service Providers in DoT under the Chairmanship of Secretary (T) on 17.10.2018 regarding issues related to usage of Aadhaar/Aadhaar based E-KYC process in compliance to Hon'ble Supreme Court judgment (meeting notice and attendance sheet placed at 111/c).

9. In view of above submissions and the opinion of Ld. AG and response received from UIDAI, it may be appropriate to issue following directions for necessary compliance to Hon'ble Supreme Court judgment that:

- TSPs may be directed to discontinue the use of 'Aadhaar' e-KYC service of UIDAI for re-verification of existing subscribers with immediate effect.
- The use of existing Aadhaar based E-KYC process for issuance of new mobile connections may be discontinued by TSPs.
- TSPs may be directed to ensure readiness of their systems and offer the proof of concept of the proposed digital process by 05.11.2018.
- TSPs may also be directed to accept the copy of physical Aadhaar or e-Aadhaar letter having masked or unmasked Aadhaar number (as downloaded from UIDAI website) as PoI/PoA document, if offered voluntarily by the subscriber, as per the paper based procedure(s) prescribed for issuance of new mobile connections. Further, TSPs may be directed for deletion of column for writing Aadhaar number on CAF in paper CAF based process with immediate effect.

10. Accordingly, the draft instructions to be issued all TSPs, as per the proposal contained in para 9 above, have been attempted and is placed at 112/c for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
22.10.2018

Director (AS-H)

Chugh
22/10/2018

DDG (AS)

pl
22/10/18

Member (T)

Secretary (T)

As modified in para 5
fresh copy placed below (A).

Reps. from TSPs -
i) TATA ii) Airtel
iii) Jio (Play A to C)
Reps. from various
forums -
i) Citizen forum
ii) Consumer
Complaint
(F.R.D.)

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for kind approval for issue.

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M(T)
DDG(AS)

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26-10-2018

Dir(AS-II) (on leave)
ADG(AS-II)

hnd
26/10/18

Issued at 114/C. (E-mailed to all TSPs)

hnd
26/10

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**Department of Telecommunications
(Access Services Wing)**

Subject: Proof of Concept (PoC) of Alternate Digital Process for KYC for issuing new mobile connections to subscribers-regarding.

This case is in reference to the instructions dated 26.10.2018 (placed at 114/c) vide which all Licensees were directed to discontinue the Aadhaar based E-KYC process for issuing new mobile connections to subscribers and re-verification of existing mobile subscribers. Further, in para 7 of the instructions, all Telecom Service Providers were asked to ensure readiness of their systems and offer the Proof of Concept (PoC) of the proposed Alternate Digital Process by 05.11.2018 for approval.

2. As per the proposed digital alternate KYC process by Telecom Industry for issuing new mobile connections, the Customer Acquisition Form (CAF) is to be embedded with live photograph of subscriber along with the original POI/POA document thereby digitizing the end to end process for on boarding of new mobile subscribers by making it completely paperless.

3. M/s Bharti Airtel vide its letter dated 24.10.2018 (placed at 116/c) has intimated two places for conducting POC i.e., Delhi (Urban) and Meerut (Rural). M/s Vodafone Idea Ltd. vide its letter dated 23.10.2018 (placed at 117/c), has intimated two places for conducting POC i.e., Delhi (Urban) and Baramati (Rural). Similarly, M/s Reliance Jio Ltd. vide its letter dated 31.10.2018 (placed at 118/c) has intimated two places for conducting POC i.e., Delhi (Urban) and Baramati (Rural). The responses of other licensees in this regard have not been received till date.

4. The proposed alternate process by the TSPs has been examined further and after examination in consonance with prevailing guidelines, more particularly i.e., instructions dated 09.08.2012 (placed at F/x), the following procedure for issuing mobile connections using the alternate digital KYC process is suggested:

- a. The entire process shall only be used through the authenticated applications (App) hosted by the Licensees.*
- b. The access of the App shall be controlled by the Licensees and it should be ensured that the same is not used by unauthorized persons.*
- c. The customer desirous of obtaining a new mobile connection shall visit the authorized Point of Sale (POS) location of the Licensee or vice-versa. The original Proof of Identity/Proof of Address (PoI/PoA) documents shall be in possession of the customer.*
- d. The Licensee must ensure that the Live photograph of the customer is taken at POS terminal and the same photograph shall be embedded in the CAF. Further, the system application of the Licensee shall put a water-mark having CAF number, GPS coordinates, POS name, unique POS Code (assigned by licensees) and Date & time stamp on the captured live photograph of the customer.*
- e. Similarly, the live photograph of the original POI/POA documents shall be captured and water-marking as mentioned above shall be done.*

- f. Thereafter, all the entries in the CAF shall be filled as per the POI/POA documents and information furnished by the customer. In those POI/POA documents where QR code is available, such details can be auto-populated by scanning the QR code instead of manual filling the details. For example, in case of physical Aadhaar/e-Aadhaar downloaded from UIDAI where QR code is available, the details like name, gender, date of birth and address can be auto-populated by scanning the QR available on Aadhaar/e-Aadhaar.
 - g. The POS shall provide a declaration about the capturing of the live photograph of customer and the original POI/POA documents. For this purpose, the POS shall be verified with One Time Password (OTP) which will be sent to his mobile number registered with the Licensee. Upon successful OTP validation, it shall be treated as POS signature on the declaration.
 - h. Once the above mentioned process is completed, an OTP shall be sent to customer's own alternate mobile number. Upon successful validation of the OTP, it will be treated as customer signature on CAF. If the subscriber does not have any own alternate mobile number, then mobile number of his/her family members/relatives/known persons may be used for this purpose.
 - i. Subsequent to all these activities, the App shall give information about the completion of the process and submission of activation request to activation officer of the Licensee, and also generate the transaction-id/reference-id number of the process. POS shall intimate the details regarding transaction-id/reference-id number to customer for future reference.
 - j. The activation officer of the Licensee shall check and verify that
 - (i) information available in the pictures of POI/POA documents is matching with the information entered by POS in CAF.
 - (ii) live photograph of the customer matches with the photo available in the POI/POA documents
 - (iii) All of the necessary details in CAF including mandatory fields are filled properly.
 - k. On successful verification by activation officer of the Licensee, the SIM card shall be activated and tele-verification as per the prevailing guidelines shall be done before final activation of the services. If the customer has given his own alternate mobile number, then tele-verification through the use of 5-digit OTP pin shall be done for activation of final services.
5. In order to reduce the probability of misuse of this alternate digital process by POS, it may be appropriate that Licensees may be allowed to issue only one mobile connection per day to a customer using the above mentioned alternate digital process.
6. It is also submitted that the additional safeguards in prevailing guidelines (instructions dated 09.08.2012-placed at F/x) in respect of outstation and foreign customers, may not be altered and all Licensees may be directed to follow the same in the alternate digital process also as per the prevailing guidelines.
7. The details about the POC of other Licensees will be communicated separately as and when it is received in this office.
8. J&K LSA vide its letter dated 01.11.2018 (placed at 118/c), has sought clarification with regard to non-acceptability of Aadhaar/e-Aadhaar as POI/POA

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documents in J&K. It is submitted that vide instructions dated 14.01.2011 (Flag F/Y), the use of Aadhaar as POI/POA documents is permitted in all LSAs except J&K, Assam, and North East LSAs. The said instructions were issued after consultation with MHA. Therefore, it may be appropriate that the status quo may be maintained regarding non-acceptability of Aadhaar/e-Aadhaar as POI/POA documents in J&K, Assam and North East LSAs until the use is permitted by MHA.

9. In view of above submissions, it is suggested that the instructions for use of alternate digital process may be issued to conduct POC and based on the POC results, further directions for change in the process, if any, will be issued on the subject. Accordingly, a draft instructions as per the submissions made in para 4-8 above, have been attempted and are placed at 119/c for kind consideration and approval please.

Prashant Verma
(Prashant Verma)
ADG (AS-II)
02.11.2018

Director (AS-II)

Diwakar
02/11/2018

DDG (AS)

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2/11/18

Member (T)

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Secretary (T)

Based on the meeting held with TSPs on 6/11/2018 and the feedback received three modifications have been done in the draft originally proposed and placed at 119/c.

- POS registered mobile allocated for Customer signature in case Customer is not having any alternate number.
 - Provision made for issuing two mobile connections Per PoI per day, However entire process shall be replicated.
 - Instead of activation officer of Licensee - authorised representative of Licensee has been used for verification purpose.
- Revised draft at 125/c may be approved for issue.

Member (T)

fu
6/11/2018

Secretary (T)

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06-11-2018

DDG (AS)

n(T) - Away in meeting
6/11